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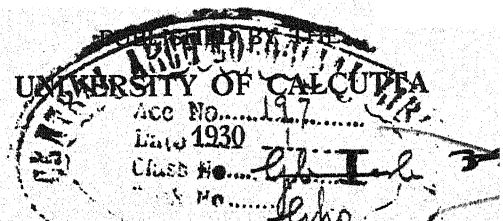
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THE AGRARIAN SYSTEM IN ANCIENT INDIA

BY

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To

Principal R. B. Ramsbotham,

Scholar and educationist,

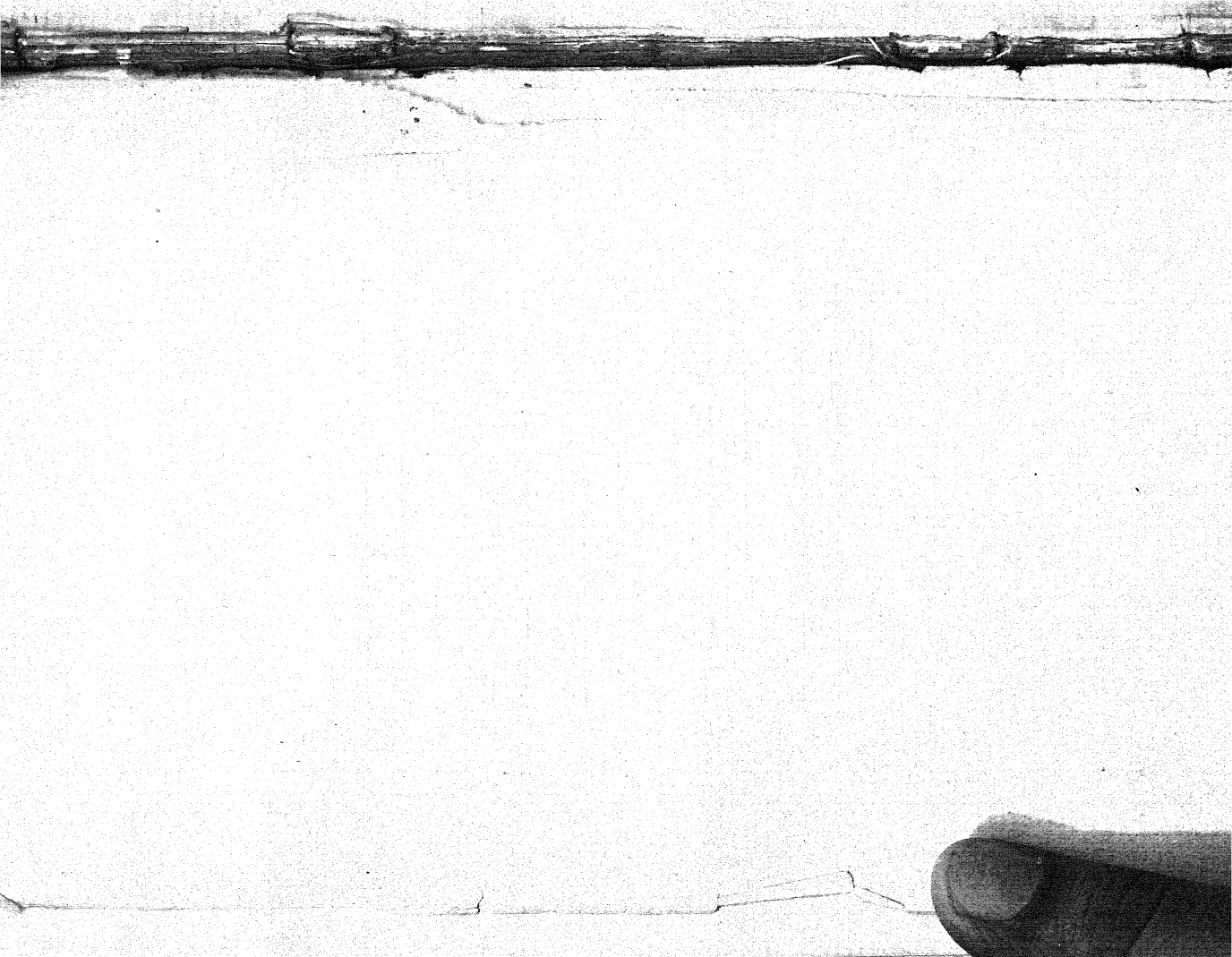
In token of regard and

esteem



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LECTURE I.

The Beginnings of the System and its Development in the Literature of Law and Polity.

The evidence of the science of Comparative Philology in relation to the Indo-European group of languages discloses the fact that the original Aryan stock was a people pre-eminently devoted to pastoral pursuits, but not unacquainted with agriculture. It appears from the same evidence that the Aryan society was organised beyond doubt on the basis of the patriarchal family, and that it probably comprised the larger unit of the clan as well.[1] When, after the dispersal of the Aryans from their original home, one branch of them ultimately migrated into the land of the five rivers, they found the country already in occupation of alien peoples, some of whom, to judge by the wonderful remains of their civilization in the Indus valley, must have attained a high level of material greatness. Such an advanced material civilization would naturally betoken a relatively developed type of social and political organization, and even the confused and imperfect picture of the aborigines in the Ṛgveda Saṁhitā

furnishes some hints of their organisation in fortified villages (*pura*) under the rule of Chiefs.[2] It is, however, with the institutions of the Indo-Aryans, of which the oldest written account is preserved in the Ṛgveda, that we have to begin our narrative of Ancient Indian agrarian conditions. The Vedic Aryans, at the dawn of their history, appear before us as a settled people largely devoted to agriculture, although the tending of domestic animals occupied an important place in their economy.[3] The unit of the Indo-Aryan society was the patriarchal family. Above it stood the *viś* in the sense of 'clan,' and a number of the *viś* groups formed the whole *jana* or 'people.' The *grāma* or 'village' consisted of a group of families united by ties of kindred, but what place it held in the scheme of tribal divisions, and, in particular what relation it bore to the *viś* with which it was immediately connected, it is impossible to state with any degree of certainty.[4] As regards the form of the village organisation, it is possible that some of the types of villages known to later times, in which the land was held in collective ownership by the tribe or the clan, were already in existence among the non-Vedic peoples.[5] Among the Indo-Aryans, however, the arable land in the villages, and doubtless the homestead lands as well, were held in individual or family ownership, while the grass lands were probably held in common.[6] In so far as the political organisation was concerned, the inhabitants of the lower Indus valley, to judge from the remains of their civilization, must have developed powerful territorial States. Among the

Vedic Aryans, as might be expected from their situation as settlers in the midst of a conquered population, monarchy was a well-established institution, and the Ṛg-Veda gives us glimpses of the king's functions in peace and war.[7] Originally, it seems, the authority of the Vedic king was completely subordinated to that of the chiefs of the family and the clan, but afterwards, in the period of the later Saṁhitās and the Brāhmaṇas, it underwent considerable development, no doubt in connection with the expansion of the Indo-Aryans over the rest of Northern India.[8] A rudimentary organisation of the Vedic administrative machinery is suggested by a list of persons called *ratnins* (' *jewels* ') associated with the king at the royal consecration, and the title of one of these persons, namely the *grāmaṇī* (the village headman), which is as old as the Ṛg-Veda, shows that the village was organised as a unit of administration in very early times.[9]

From the above outline of the early Vedic society and Government, it is natural to expect that the Indo-Aryan king would draw from the first contributions from his subjects for his own support. It is possible that such contributions which are called by the generic term ' *bali* '[10] were at first made as voluntary gifts, but there can be no doubt that afterwards they assumed the character of regular and compulsory payments, and in fact became the distinctive attribute of the relation between the king and his subjects.[11] It may reasonably be inferred, considering how the wealth of the Vedic Aryans consisted of flocks and herds and of the produce of

their fields, that the payments by the subjects were made in kind. Indeed there is good reason to think that already at this early period the king drew his revenue from a certain share of the produce, although as yet it was undifferentiated from his contribution of domestic animals. Thus we have a text of the Atharva Veda[12] conveying the poet's prayer to Indra to portion the king 'in village, in horses, in kine.' Another passage of the same work[13] specifically fixes the king's dues at $\frac{1}{16}$ which is much lower than the rate afterwards approved in the Smṛtis for the royal grain-share.

From the description of the characteristics of the Indo-Aryan villages given above, it might be conjectured that the king's grain-share and other contributions were assessed more or less upon the individual villagers. A new type of village organisation is hinted at in several passages of the Taittirīya Saṁhitā. There we are told in connection with the performance of certain sacrifices by a person desirous of winning a village (*grāmakāma*) how the gods concerned 'assign him creatures led by the noses'[14] how they 'present his relatives to him and make the folk dependent upon him,'[15] and how they enable him to grasp the mind of his equals.[16] These significant expressions can only refer to the lordships of single villages no doubt acquired in the first instance by individual exertion, but afterwards receiving the seal of royal confirmation. Here, then, we have the oldest indication of the type of landlord villages known to later times. On the other hand, the endowments of land in favour of Brāhmaṇas,

which became so important in later times, appear at this period to have been, not indeed unknown, but disapproved even by the priestly authors of the sacred works. This is shown by the story of the King Viśvakarman Bhauvana, who, when about to give away the Earth to his priest at the Sarvamedha sacrifice, is reproved by the Earth herself in the following words :—

" No mortal must give me away; thou wast foolish,
Viśvakarman Bhauvana:
She (the Earth) will sink into the midst of the water;
Vain is this thy promise unto Kāśyapa."[17]

Such is the dim outline of agrarian conditions that is presented by the oldest literary records of the Indo-Aryans, the Vedic Saṁhitās and the Brāhmaṇas. Let us now turn to the notices contained in the Smṛtis, the Epics and the Purāṇas as well as the fuller description of the Arthaśāstra which together constitute the most systematic account of the methods and arrangements of Ancient Indian administration that has come down to us. As we have observed elsewhere,[18] the resemblance between the Arthaśāstra material on law and polity and that of the Smṛtis is so close that we can unhesitatingly take them to be the allied branches of a common system. The roots of this system should doubtless be traced to actual forms of State and bodies of law existing in ancient times, although it is impossible to specify either the period of time or the tract of country to which they belonged.

In the Smṛtis and connected works the system of administration is described in the most general outline. Evidently the priestly authors of these works, while describing after their fashion 'the duties of the king,' felt little or no interest in the details of administration. Nevertheless the main outlines of the picture are not difficult to distinguish. Territorial monarchy, which is no doubt a development of the tribal kingship of the Vedic period, is now the recognised, if not the universal, type of polity.[19] A rudimentary form of administrative organisation is implied by the reference to the council of ministers as well as various officials whose designations and functions are not defined with sufficient precision.[20] For the purpose of local administration there is a chain of officers placed in charge of units purporting to consist of one thousand, one hundred, twenty, ten and single villages.[21] Such mathematical divisions evidently could have little or no application in actual practice. On the other hand, in contrast with the vague and undefined charges on agricultural land in the Vedic Saṁhitās and the Brāhmaṇas, the branches of land-revenue are now sharply differentiated from other items of taxation. The king's share of the agricultural produce is called *bali*[22] which is the old Vedic title of the royal contributions from the subjects as well as tribute from conquered enemies. Along with this is mentioned *hiraṇya* which, as we have suggested elsewhere, means cash charge upon certain special classes of crops.[23] Here we have the oldest reference to the two forms of land-revenue which, as we shall see

later on, are known also to the Arthaśāstra and may be traced in ancient times almost continuously from the Gupta period onwards. Besides the payments in kind and in cash by the cultivators, there are other charges upon the agricultural and industrial income of the villagers, not to mention the periodical cesses called *kara* in the Smṛtis.[24]

Of the methods of assessment of the land-revenue our authorities give us little or no indication. To judge from the relatively undeveloped stage of political organisation in these works, it would seem that the revenue-demand in kind was assessed according to the primitive method of actual Division of the crops at the threshing--floor (now called *bāṭāi*), or according to the method of Appraisement of the standing crops (now known as *kānkūt*). Such methods, while attended with the advantages of simplicity and elasticity, must have led to grave inequalities in respect of the burden imposed upon different classes of lands, not to speak of the risk of entailing loss on the king's treasury through collusion between the State officers and the cultivators. That the former evil was recognised thus early is shown by the fact that while some authorities stick to the uniform rate of $\frac{1}{6}$, others recommend varying rates consisting of $\frac{1}{6}$, $\frac{1}{8}$ and $\frac{1}{10}$ (or $\frac{1}{12}$) of the produce.[25] This differential scale of rates, which was doubtless intended to apply to different classes of soils or crops, evidently involved a more equitable principle of assessment than the rule of a uniform rate. All the above rates, it may be presumed, referred to the gross produce. As regards

the *hiraṇya* or cash-charge, it was assessed at the remarkably low rate of $\frac{1}{50}$ according to most authorities,[26] but the details of the assessment are altogether wanting.

The rates of the land-revenue above mentioned relate to normal times. To these our authorities in common with the Arthaśāstra add other rates applying to the occasions of grave emergencies of the king. A text of Manu, as interpreted by most of the commentators, authorises the levy of $\frac{1}{4}$ of the produce in place of the usual $\frac{1}{6}$, while a milder rule mentioned in the same connection permits the levy of $\frac{1}{8}$ instead of the more usual $\frac{1}{12}$.[27] Such enhancement of the normal rates during a grave crisis might perhaps be justified in consideration of the backward stage of political organisation contemplated in our present works. Less excusable is the sweeping rule of the Mahābhārata authorising the needy and distressed king to seize the wealth of persons other than the ascetics and the Brāhmaṇas.[28] It is easy to imagine the serious consequences which would follow from a strict enforcement of this dangerous doctrine.

Two famous discourses upon 'the duties of kings' (*rājadharma*) in the Rāmāyaṇa and the Mahābhārata[29] give us glimpses into the views of our authorities regarding what may be called the State agricultural policy. In the first which takes the form of a series of questions put by the exiled Rāma to his affectionate brother Bharata upon statecraft, the conciliatory treatment of cultivators is inculcated in general terms. The second discourse, which is addressed by the sage Nārada to Yudhiṣṭhira, brings

out some fundamental principles of agricultural development that are known also to the Arthaśāstra. It inculcates the advance of seeds and provisions, the grant of agricultural loans and the construction of irrigation-works.

Let us next consider the classes of Grants or Assignments of land mentioned by our authorities. As might be expected religious endowments made by the kings in favour of Brāhmaṇas occupy in these works an important place. Yāj. indeed lays down in this connection what may be called the official procedure relating to the issue of royal charters for the donation of lands to Brāhmaṇas.[30] Such endowments, evidently, were not only revenue-free but also perpetual, and accompanied with the right of alienation. The class of Assignments properly so called is introduced to us in a passage which is common to the Manusaṁhitā and the Mahābhārata, and no doubt derived by both from the same source.[31] It mentions the scale of remuneration of officers in charge of the local administration. This may be shown in tabular form as follows :—

1.	Lord of ten villages ...	One *kula* of land (*i.e.*, as much land as can be cultivated by twelve oxen).
2.	Lord of twenty villages	Five *kulas* of land.
3.	Lord of one hundred villages ...	One village.
4.	Lord of one thousand villages ...	One town.

No such provision is made for the remuneration of officers of the central government, who were presumably paid in cash. Cash payment of troops, indeed, is expressly mentioned in a passage which the Rāmāyaṇa has in common with the Mahābhārata.[32] Of other classes of Assignments such as those made to members of the royal family for maintenance no trace is found in our authorities. Evidently assignments did not play as yet an important part, and the State officers in general maintained direct relations with the cultivators. In connection with the service-tenures just mentioned, it remains to add that the very primitive method of measurement used therein, which is based upon the number of oxen required for cultivation of the land, shows the extreme antiquity of the institution.

From this brief account of land-revenue conditions in the Smṛtis and connected works, it is a relief to turn to the abundant material that is preserved in the Arthaśāstra attributed to Kauṭilya or Kauṭalya. As the only surviving specimen of a class of literature that dealt, according to its definition, specially with the Art of Government in the widest sense of the term, it gives a fuller and a more concrete description of the affairs of internal administration and foreign policy of States than any other work in the whole range of Ancient Indian literature.

The date and authorship of the Kauṭilīya have formed the subject of controversy among scholars almost from the moment of its dramatic discovery, and the final solution of the problem seems to be as far off as ever. Happily these difficulties are not of

much importance for our present purpose. As we have shown elsewhere,[33] the work of Kauṭilya involved a compilation, or more properly a reconstruction, of the material that had grown up in the older Arthaśāstra literature. Accordingly the description of the institutions of government in this work may be safely taken to represent the traditional system that was current among the schools and authors of the science from early times.

The Arthaśāstra includes the land-revenue and connected charges in the class 'country-part' (*rāṣṭra*), which itself forms a branch of a wider division into seven stated heads of revenue.[34] Another item included in the same class is *sītā* which may be roughly translated as 'produce of the royal farms.'[35] This latter class of lands, which is now met with in literature for the first time, is required to be cultivated directly by the agency of the Royal Steward or, in the alternative, to be leased to tenants on the principle of division of crops. In this last case the tenants providing the capital were to receive half the produce, while those who simply supplied the manual labour received $\frac{1}{4}$ or $\frac{1}{5}$ of the crop. This method of farming has its modern parallel in the practice of the Zamindars of Bengal and elsewhere who cultivate their private lands (called *nij-jote, khāmār, zirat,* etc.), either by employing their own men, or else let them out to tenants (*burgādārs*) on the same principle of division of crops.[36]

In connection with the rules relating to the cultivation of the royal farms the Arthaśāstra has a difficult and obscure passage which seems to mean

that when the tenants fail to cultivate the plots taken up by them, they should ordinarily pay the king's share of the crop according to contract or customary rates. This is the only reference to a method of assessment akin to what prevailed afterwards in the mediæval period and has been designated as Contract.[37] "Under it a peasant came to terms with the assessing officer to pay a fixed sum of money annually for his holding, whatever crops he might grow." In the same context the Arthaśāstra refers, again for the first time in literature, to water-rates (*udakabhāga*) levied apparently upon the tenants cultivating the irrigated lands belonging to the royal farms.[38] This tax, consisting doubtless of a share of the produce, is assessed at three distinct rates ($\frac{1}{5}$, $\frac{1}{3}$ and $\frac{1}{4}$) for lands served by the State irrigation-works, and at the uniform figure of $\frac{1}{4}$ for State lands irrigated by rivers, lakes, tanks and wells. To judge from later analogies, it seems probable that these charges were levied not as a substitute for, but in addition to, the ordinary item of land-revenue.[39]

Of the branches of land-revenue properly so called, by far the most important is *bhāga* ('the king's share of the produce'), which corresponds to the *bali* of the Smṛtis.[40] Besides this there are the occasional and periodical cesses called *bali* and *kara* with which may be compared the *kara* of the Smṛtis. Another charge mentioned in the Smṛtis, namely, *hiraṇya*, is well-known to the Arthaśāstra, though it is not included in its general scheme of classification, evidently because it was not held to be of sufficient importance.

Nothing illustrates more clearly the fullness of the data in the Arthaśāstra as compared with the Smṛtis than the wealth of material which it furnishes into the details of land-revenue assessment. This may be gathered from the description of the functions of the officers severally called the *samāhartā*, the *sthānika* and the *gopa* in another part of the Arthaśāstra.[41] To begin with the lowest class of these officers, the *gopa* (loosely translated as ' village-accountant ') is required in the first instance to ascertain the total area of the villages (five or ten, as the case may be) within his jurisdiction by means of inspection of the village boundaries. He is also required to ascertain the total area of the village lands by numbering cultivated and uncultivated fields, upland and lowland soils, gardens of three distinct varieties, the village jungle, the homestead land, the sacred sites and the shrines, the embanked reservoirs, the cremation-grounds as well as the sites for public charities, the grazing grounds and the roads. On the basis of the above numbering the *gopa* is to prepare various registers, such as the register of boundaries and village fields, the register of unculturable lands and the register of transfers, besides which he is to keep an account of the Government advances and remissions in respect of the villagers. He is also to compile what may be called census-lists of dwelling-houses and families under various specified heads. Above the *gopa* stands the *sthānika* (' circle officer ') who is required in the cryptic language of the Arthaśāstra to superintend his charge (namely, ' the fourth part of the kingdom ') in the

same manner as the *gopa*. Apparently he is expected to prepare similar registers and census-lists for the larger area comprised within his jurisdiction. At the top of all stands the *samāhartā* ('Collector-general'), whose functions comprise the preparation of a record of revenue-free lands as well as those liable to military service, and above all the compilation of a virtual revenue-roll of the kingdom indicating the Government dues payable from the villages under different heads.

The above arrangements suggest some striking analogies with the advanced methods of Land-revenue Settlement in vogue in the provinces of British India at present. We may first point in the above account to the demarcation of village boundaries, which still forms the necessary prelude to the process of Revenue Settlement. Of equal interest is the reference in the above to what may be called a comprehensive topographical survey of the whole village involving not only the listing of the various classes of the village lands, but also their numbering probably by numerical signs. This process forms in the Arthaśāstra the basis of a record of boundaries and village fields, with which may be compared the *khasrā* or 'field-index' of modern Settlements. Not improbably village maps were prepared then, as now, in connection with the field-registers. The Arthaśāstra account, moreover, refers to the classification of soils not only under the broad heads of upland and lowland still known to the processes of modern Settlements, but also those of gardens under three distinct heads. In this connection it may

be mentioned, as an example of the thoroughness of the arrangements concerned, that provision is made in the Arthaśāstra for inspectors being deputed to selected villages to check the accuracy of the returns under the head of area and outturn of the fields, and so forth. Among other points of contact between the system of the Arthaśāstra and that of modern times may be mentioned the fact that the *gopa* like the modern *pātwāri* was required to record changes in ownership through transfers, to keep the village accounts in respect of Government revenues and to prepare various statistical returns. Another feature reminiscent of the modern advanced methods is the grouping of villages by the *samāhartā* into three grades, with which may be compared the division of villages into Assessment-circles, known to Settlement Officers in our own times.

The prevailing method of land-revenue assessment in the Arthaśāstra may be deduced from the above facts. We may take it that for the purpose of assessment there was a standard or average figure for the State share of the produce for a known unit-area, and that the actual assessment was made by applying this figure to the returns supplied by the *gopas* as just mentioned. In other words we have here, in contrast with the primitive methods of the Smṛtis and connected works, an instance of what may be called the method of Measurement at fixed grain-rates.[42] It is needless to state that cash assessment of the land-revenue as a whole is unknown to the Arthaśāstra as it is to the Smṛtis.

A word may be said in the present place as regards the share of the produce which was fixed in the Arthaśāstra as the basis of the assessment rates. The Arthaśāstra is well acquainted with the rate of $\frac{1}{6}$ known to the Smṛtis, but there is good reason to believe that it contemplated a differential scale of rates for different classes of soils or crops.[43] The Arthaśāstra, again, is completely silent about the rate of *hiraṇya* ('the cash assessment for selected crops') which, as we have seen, is fixed at $\frac{1}{50}$ in the Smṛtis.

The branches of land-revenue that we have considered so far together with their rates belong to the administration of the State in normal times. The Arthaśāstra, moreover, like the Smṛtis provides for grave emergencies of the king.[44] Its rules under this head present some features of striking interest. In the first place the emergency tax, as it may be called, is known in the Arthaśāstra by a distinct title called *praṇaya* ('the gift of affection'), with which may be compared the 'benevolences' of the Yorkist and Tudor periods of English History. Its purely temporary character is proved by the fact that it is required to be levied once and not twice. In so far as the *praṇaya* upon cultivators is concerned, it is assessed at different rates for different classes of soils, the maximum rate of the Arthaśāstra (namely, $\frac{1}{3}$ or $\frac{1}{4}$) being almost identical with the highest rate of *bali* in Manu (namely, $\frac{1}{4}$). Another point to be noted in the present connection is that the Arthaśāstra recommends as a last resource what may be called the compulsory raising of a second crop by

the cultivators. At the sowing season, we are told, the cultivators should enter into a written agreement making them liable to a fine of double the value or the amount of the crops destroyed through their negligence. When the crops are ripe, they should be forbidden to take away the ripe and the unripe crops, the penalty for theft ranging from eight times the value to death. These remarkable rules not only carry the special jurisdiction of the king over the cultivators to the highest point, but they introduce us for the first time to the institution of written documents regulating the relations between the State and the cultivators.

The foregoing account of the duties of the *samāhartā* and his staff of officers implies individual assessment of the villagers for the land-revenue.[45] Thus to return for a moment to the census-list of dwelling-houses prepared by the *gopa*, we observe that he is required to specify not only whether the houses are taxable or tax-free, but also the contributions charged upon them severally under the heads of cash payment, unpaid labour, tolls and fines. Again, it may be noticed that the inspectors deputed to selected villages by the *samāhartā* as mentioned above, are required to report on the dwelling-houses under the heads of revenue assessed and the revenue remissions. It therefore follows that the land-revenue and connected charges were assessed upon the individual holdings of the villagers. Another form of assessment, namely, the collective assessment of villages, is referred to in the Arthaśāstra under the technical title of *piṇḍakara*.[46] This

means, according to the commentator, the lump assessment upon the villages, and it is evidently to be distinguished from *bhāga* which was assessed upon the individual villagers. In another context[47] the Arthaśāstra mentions the conversion of the lump Assessment (*samkṣepa*) into individual assessment (*vikṣepa*) and *vice versa*, as well-known modes of fraud practised by the revenue officials upon the king's treasury. Whether the collective assessment in this case was made through the village headmen or through farmers is a point on which the Arthaśāstra throws no light, but the probability is in favour of the former alternative, since the headman (called *grāmakūṭa*, *grāmika*, *grāmamukhya* and *grāmasvāmin*), unlike the farmer, is a well-known figure in this work.

Some features of the State agricultural policy in the Arthaśāstra may be gathered from its description of the methods of settling a tract of country.[48] It appears that State-directed emigration already at this early period was well understood, for we are told that the king should attract emigrants from other countries or draw away the surplus population of his own kingdom for the settlement of territories. Further, the village was evidently taken to be the invariable unit of administration, for the king is directed to found villages consisting mostly of Śūdra cultivators (who were no doubt the most industrious of their class) at intervals of one or two *krośas* from each other. Suitable administrative centres were to be established around groups of 800, 400, 200 and 10 villages. Proper provision was to be made for

Grants or Assignments of land, for we are told that the king's sacrificial priest, spiritual preceptor and the domestic chaplain as well as the learned Brāhmaṇa, were to receive lands exempted from taxes and fines, while the superintendents, the accountants and so forth, as well as the *gopas*, the *sthānikas* and others were to receive other lands without the right of sale or mortgage. By far the most considerable share of attention is, naturally enough, bestowed upon the revenue-paying cultivators (*karadas*).—With regard to these we are told that prepared fields were to be given to them for one generation,[49] but unprepared fields were not to be taken away from those making them fit for cultivation, while with regard to cultivators who neglected their plots, their fields were to be taken away from them and assigned to others, or else given up to be cultivated by village labourers and pedlars. The above description illustrates the tenures of different classes of tenants settled on lands that may be presumed to belong to the Crown. It shows that while the tenants neglecting cultivation of their fields were liable to be superseded by others, those who cultivated the plots prepared at Government expense were allowed to hold them for a period of one generation, and those who prepared the plots at their own cost enjoyed the privilege of hereditary possession thereof. It may be presumed from this that hereditary occupation of holdings by the cultivators was the general rule in the settled villages. Apart from ensuring this very necessary provision for the security of the cultivators' tenures, the account of the Arthaśāstra is important as illustrating an en-

lightened policy of agricultural development under the auspices of the State. We find that remissions of the revenue together with the advances of grain, cattle and cash, are enjoined to be made to the cultivators on various occasions. Again the construction of reservoirs is required to be undertaken either by the direct agency of the State or else with its active support. On the other hand, it is a significant indication of the extreme length to which the king's special jurisdiction over the cultivators could be pressed that he is enjoined to exercise a strict control over their lives. Not only are the family duties in their case to be enforced by means of fines, but they are also forbidden to indulge in innocent recreations lest there be obstruction in the cultivation of lands.

Like the Smṛtis the Arthaśāstra is well acquainted with Grants and Assignments of land As we have just seen in connection with the rules for settling a tract of country, the king is required to grant revenue-free lands to various classes of Brāhmaṇas. Such grants were accompanied with full right of alienation, since the grantees enjoyed, subject to a restriction to be presently mentioned, the right of selling and mortgaging their lands. In the same context the king is asked to give away out of the unculturable land *soma* forests to Brāhmaṇas and hermitages to ascetics. Another class of grants is referred to under the title of *ātithya* which means land granted to State officers for the purpose of public charities.[50] Such grants, it may be supposed, were of a permanent character like their counterparts in Moslem India, namely the *inām* and the

mu'āfi. We may mention in this connection the grant of lands for the support of the Queen and the Princes, which is referred to in the Arthaśāstra in the course of its description of the items to be entered by the Superintendent of Accounts in his register.[51] We are however, left completely in the dark as regards the tenures of such grants. Turning to another point, we have already seen that the Arthaśāstra requires the king to grant lands out of freshly colonised tracts to sundry officials. Reference is made to the same class of lands in the list of contents of the Superintendent's register just mentioned.[52] Such assignments may be compared with those forming the remuneration of village and circle officers in Manu. In the Arthaśāstra, however, they amount to a mere usufructuary possession of the land, as the assignees are expressly debarred from the sale and mortgage of their lands.[53] Another class of service-tenures is mentioned in the Arthaśāstra under the title of *āyudhīya* which may be taken to mean land held on condition of supplying troops.[54] These two types of Assignments may be broadly stated to be the Ancient Indian parallels of the *waṭan* and the *jaigir* of Moslem India.[55]

On the whole it may be concluded from a consideration of the evidence that Assignments do not play an important part in the Arthaśāstra as compared with the system of direct assessment by the State officials. The remuneration of officers by means of land which has been mentioned above is of an exceptional character, and the Arthaśāstra elsewhere [56] gives a long list of persons on the royal establishment (including the Queen, the Princes and

the highest civil and military officers), who are arranged in grades according to their salaries. Reference is made in the same connection to the cash payments of individual troopers. The attitude of the Arthaśāstra with regard to Assignments is sufficiently indicated in another part of the work,[57] where the author recommends the king intending to colonize waste lands to grant cash allowances, but not villages.

We may next notice some clauses of the Arthaśāstra law relating to the sale of immoveable property (*vāstu*), which give us a glimpse into the working of the land-revenue administration at this period.[58] The tax-payers (*karada*), we are told, should sell or mortgage only to their own class, and the same should be done by the Brāhmaṇa owners of rent-free lands, otherwise they should both be liable to a fine. The same penalty is imposed even upon a tax-payer settling in a tax-free (*akarada*) village. In this remarkable passage it will be seen, a distinction is drawn not only between the taxable and tax-free individuals, but also between taxable and tax-free villages, this last apparently referring to the entire villages that were granted by the kings in favour of temples or Brāhmaṇas with complete immunity from taxation. As regards the restriction imposed upon the alienation of land in the above case, it was probably caused by the policy of preventing the confusion of different classes of tenures. The more stringent rule penalising a tax-payer for simply settling in a tax-free village has its counterpart in a clause of a Gupta land-grant to be mentioned later on, and like the latter it was doubtless

intended to prevent the loss of the king's revenue through collusive agreements between the privileged and the taxable classes.

As a fitting sequel to the above description of the land-revenue system in ancient times, we may mention in conclusion the principal features of the system as described in the Śukranīti which is beyond doubt a work of the late mediaeval period.[59] In contrast with the vague lists of varying rates of the payments in kind in earlier times, the Śukranīti expressly mentions four distinct rates for as many different kinds of soils. It is curious to observe that the old traditional rate of $\frac{1}{6}$ is here reserved only for the barren soils, while the richest soils are assessed at $\frac{1}{2}$ of the crop. A more important contrast is presented by the fact that while the older authorities apparently make the gross produce the basis of assessment, the Śukranīti seems to show that $\frac{1}{3}$ of the net produce was taken to be the proper rate of the land-revenue. The Śukranīti, moreover, refers to cash payments of the land-revenue, but unfortunately while it specifies the amount of this tax (namely, 100 silver *karṣas*), the unit of land upon which it is charged is left unspecified. As regards the method of assessment the Śukranīti expressly refers in one place to the measurement of lands according to standard units of measure and their classification according to fertility. On the other hand, there is a unique passage which refers to the employment of farmers or middle-men for the purpose of collection of the land-revenue.

LECTURE II.

A Historical Account of the System in Northern India (First Period).

In the preceding lecture an attempt was made to describe the development of the ancient Indian agrarian system from its crude and imperfect forms in the Vedic Saṁhitās and the Brāhmaṇas into the more advanced types in the Smṛti and specially in the Arthaśāstra literature. This description, it must be admitted, suffers from two great drawbacks, in as much as not only are the intermediate stages of development hidden from our eyes, but the data, such as they are, stand unrelated to their environment in place and time. It will now be our endeavour to trace as far as possible the historical evolution of the system among the different States and dynasties of Northern India down to the period of the Muhammadan conquest, when the ancient period of Indian history came to a close. A similarly comprehensive survey of the history of the system in the Deccan and in Southern India, however desirable it might be to complete our description, is for the present excluded from our consideration, principally because the wealth of material which it exhibits makes it the fit subject for an independent treatment.

The oldest surviving account of social and political conditions in any definite part of India

after the early Vedic period is preserved in the Pali canonical literature, which with the Jātaka and the Dhammapada commentaries may be taken roughly to illustrate the conditions prevailing in Eastern India from the fifth to the fourth centuries before Christ. We learn from them how the land-revenue consisting of a certain share of the produce was a well-known institution in these times, and was signified by the same title (*bali*) as in the Smṛtis.[1] In actual practice the *bali* was liable to enhancement at the king's discretion,[2] although the traditional rate of $\frac{1}{6}$ is well-known to our authorities.[3] References are accordingly found in the Jātakas to the oppressive imposition of *bali* by the king,[4] not to speak of the exactions and tyrannies of the tax-collectors (*balisādhakas or niggāhakas*), whose name passed into a synonym for importunate demand.[5]

Other references in the Jātakas illustrate the methods of assessment of the king's share of the produce that were in vogue at this period. The Kāma Jātaka[6] tells the story of a Prince, who, after renouncing his claim to the throne in favour of his younger brother, goes to live with a merchant's (*seṭṭhi's*) family. When the royal officers (*rājakammikas*) came to the village to measure the fields, the *seṭṭhi* asked the Prince to write to the king for remission of the *bali* which the latter accordingly granted. In this case, it will be noticed, the measurement of land by the State officers is immediately associated with the *bali* assessment. Probably this implies the existence of a standard or average rate of the Government demand for a known unit-area, which could be applied for the assess-

ment of the individual holdings. In such a case we should have an exact equivalent of the method of assessment prevailing in Moslem India which has been aptly called Measurement.[7] The Kurudhamma Jātaka[8] shows how this method along with simpler ones was simultaneously in use during the period to which it refers. This Jātaka introduces us to a group of eleven persons who are renowned for what is called 'Kuru righteousness.' Out of this group we are here concerned only with three persons, namely, the *rajjugāhaka amachcha* (shortened into *rajjuka*), the *seṭṭhi*, and the *doṇamāpaka* (or briefly, *doṇa*). The first-named personage whose title literally means the rope-holding officer is described as measuring the field by holding one end of a rope tied to a stick, while the other end is held by the possessor of the field. Seeing a crab-hole at the spot where he wants to pitch the stick, he reflects that if he should place it in front, he would cause loss to the king's revenue, while if he were to place it behind, he would cause loss to the cultivator. Here, it will be observed, the official measurement of land is connected, as in the preceding example, with the assessment of the land-revenue. Probably in this case, too, we have to conceive the existence of standard rates of the land-revenue for known unit-areas. Again, in the above story the *seṭṭhi* (merchant) is filled with remorse for having unwittingly taken a handful of ears of corn from his field from which the king's share has yet to be paid. This doubtless points to the method of Appraisement of the standing crops. Lastly, in the above story the *doṇamā-*

paka, 'the measurer with the *droṇa* measure,' is described in the act of measuring the king's share of corn (*rājabhāga*), while sitting at the door of the royal granary. Having hastily rushed indoors owing to a sudden rainfall, he is filled with doubt whether he has thrown the grains used as markers over the measured or the unmeasured heap, and he reflects that if he has placed the markers over the measured heap, he has improperly increased the king's share and diminished that of the cultivator. This evidently points to the method of Division of the crop at the king's granary.

The Pali works also tend to show that various classes of Assignment of land were known at this time. A stock phrase used in some discourses of the Dīgha Nikāya[9] to indicate the place of residence of individual learned Brāhmaṇas is *rājabhoggam raññā dinnam rājadāyam brahmadeyyam*. This phrase has been explained by the famous commentator Buddhaghosa[10] in two different senses, both of which agree in making the Assignment amount to alienation of the king's political rights. This explanation is followed by Rhys Davids,[11] who translates the above phrase as 'a royal domain granted by the king, a royal gift' (otherwise rendered as 'fief'), 'with power over it as if he were the king.' Whatever that may be, the above phrase at least proves that endowments of villages were granted by the kings in favour of the Brāhmaṇas. Reference to the same class of grants is found in other stories of the Jātaka and Dhammapada commentaries[12] mentioning how the kings granted to individual Brāhmaṇas the villages where they had their resi-

dence. Another class of Assignments is referred to in two stories of the Jātaka commentary[13] describing how a king of Kosala granted a village to his daughter as her 'bath-allowance' (otherwise called 'bath-and-powder allowance') while giving her in marriage to a king of Magadha. Here we have evidently to deal with a type of Assignments known also to the Arthaśāstra, namely, the Assignments made for support to the members of the king's family. That such assignments carried with them the right of alienation is shown by another Jātaka story[14] which mentions how a queen promised five choice villages to a hunter as his reward for carrying out her wishes. Other stories in the Jātaka commentary[15] refer in general terms to the grant of villages by kings to a wise man, to a merchant, and to an official. These evidently belong to the class of Assignments that were granted as reward of merit, or as an act of favour.

A stock phrase used in some of the Jātaka stories[16] to describe the villages assigned or proposed to be assigned by the kings introduces us for the first time to an important development of the procedure in connection with such grants. In the cases in question the villages are described as *satasahassuṭṭhānaka* meaning 'that which produces one hundred thousand pieces (of coins).' The figure itself is purely conventional, but a careful consideration of the context in which it occurs is enough to show that it corresponds to the process concerned with assignment which prevailed in Moslem India, and has been conveniently indicated[17] by the term Valuation. By this is meant 'the estimate

of the probable future income from any area, required in order to facilitate the allocation of grants or assignments to claimants entitled to a stated income.' Historical instances of this process will be found later on in the records of Eastern India belonging to the ninth and subsequent centuries.

In the last quarter of the 4th century B.C. Northern India probably along with a considerable part of the Deccan was united under the powerful sceptre of Chandragupta Maurya (*c.* 322-298 B.C.), who overthrew the great Nanda dynasty of Magadha, drove back the Macedonian garrisons from the Punjab and Sind, and pushed his conquests as far as the line of the Hindu Kush. In the reign of his grandson Asoka the empire reached outwardly the climax of its greatness, but at the same time the seeds of its decay were sown, and after the death of the great Emperor began the process of its dissolution. The authorities throwing light upon the land-revenue arrangements of the Mauryas consist mainly of a few fragments from the lost work of Megasthenes, the famous ambassador of Seleucus at the court of Chandragupta, and a few references in Asoka's inscriptions. Megasthenes is a faithful and accurate observer of institutions that came directly under his personal notice, although he was too prone to rash generalisations and too much inclined to believe in fanciful stories. His account of the administrative system of the Mauryas, which has been deservedly accorded a high weight, may safely be trusted to illustrate the conditions prevailing in the home provinces of the Empire with which he was personally acquainted. To the same region,

as we shall presently see, belong the references in the Asokan inscription with which we are here concerned.

The important passage of Megasthenes bearing upon the Maurya land-revenue conditions occurs in the course of his description of the class of husbandmen, that forms the second of his group of seven Indian castes.[18] Till very recently the two chief versions in which this account has been preserved, those of Diodorus and Strabo, were held to be mutually contradictory, in as much as while the former was alleged to state that the husbandmen paid beside the ' land-tribute ' a fourth part of the produce of the soil, the latter was held to state that the cultivators tilled the land on condition of receiving one-fourth of the produce. This difficulty has now been cleared up by the illuminating researches of a German scholar,[19] who has shown the Greek text formerly translated as ' beside the land tribute ' to mean ' in the absence of special arrangement.' As thus explained, Megasthenes's statement resolves itself into the following points :—

(1) According to one version, the tax paid by the cultivators to the royal treasury amounted to one-fourth of the produce in the absence of special arrangements,

(2) According to another version, the cultivators received from the king one-fourth of the produce as their wages.

Both these classes of cultivators, it will be remembered, have their counterparts in the

Arthaśāstra, the former corresponding to the cultivators employed on the royal farms by the Royal Steward (*sītādhyakṣa*) and the latter corresponding to the revenue-paying (*karada*) cultivators. It is permissible to conclude that both classes of cultivators were included in Megasthenes's original account, while each of the later writers who transmitted his description mentioned only one class to the exclusion of the other. If we take the account of the Greek ambassador to apply mainly to the central regions of the Maurya Empire with which he was doubtless principally acquainted, it would follow that within this tract of country the royal farms had become almost as important a source of the king's receipts from land as the revenue-paying lands. When. further, the share of the crop received by the cultivators on the royal farms is given by Megasthenes as one-fourth in place of the Arthaśāstra rate of one-half as well as one-fourth or one-fifth, this may be taken to indicate that the tenants were employed, as a rule, on the terms more advantageous to the State in the Maurya period. In so far as the revenue-paying cultivators are concerned, the rate of the revenue-demand, it will be observed, is fixed at one-fourth which is precisely the rate prescribed by Manu and Kauṭilya for grave emergencies of the State. Indirect evidence of the enhanced rate of the Maurya land-revenue is furnished by the Rummindei pillar inscription of Asoka implying the king's reduction of *bhāga* to the rate of $\frac{1}{8}$ to be a very great concession. The same inscription also testifies to the fact that the agricultural cess called *bali* as in the Arthaśāstra was

in use along with the payment in kind (*bhāga*). It may be surmised that this high rate of the land-revenue demand, if not a legacy of the preceding period, was immediately connected with the immense development of the administrative machinery under Chandragupta Maurya, while it doubtless contributed along with other causes to the eventual downfall of the Maurya Empire.

Of the method of assessment of the land-revenue in the Maurya period we have a hint in another extract from the account of Megasthenes.[20] Describing a class of officers called the *agoranomi* (generally but incorrectly translated as ' officers in charge of markets '), Megasthenes, according to Strabo's version, wrote as follows :—

> " Some superintend the rivers, measure the land as is done in Egypt, and inspect the sluices, by which water is let out from the main channels into their branches."

In so far as the phrase ' as is done in Egypt ' is concerned, its purport is explained in another extract from Strabo's work, which runs as follows :—

> " This exact and minute subdivision is necessitated by the constant disturbance of boundaries caused by the Nile in its inundation in which it adds (to some) and takes away (from others), alters shapes and destroys the other signs by which the property of one can be distinguished from that of another, so that it (the land) is to be remeasured repeatedly."

Here we have conclusive evidence of an official arrangement for measurement of alluvial lands evidently for the purpose of assessment. Probably a similar arrangement was in use with respect to other agricultural lands as well. This would lead us to expect that the method of assessment mentioned in the Arthaśāstra and the Jātaka stories to which we have applied the convenient title of Measurement was used under the Mauryas as well.

In the above-mentioned version of Diodorus it will be noticed that the class of husbandmen is stated as paying revenue (' land-tribute ') to the king. The version of Arrian gives the same account, since he describes the class of cultivators as paying ' tribute ' to the king and the independent cities.[21] These statements which are expressed in very general terms need not be taken literally to mean that Assignments were altogether unknown, for we have reference to them in the immediately preceding period. But we may safely conclude that direct assessment of the cultivators by the State officials was the prevailing rule in Maurya times. That the Assignments to troopers or military officers at any rate were unknown at this period may be concluded from Megasthenes's testimony relating to the payment of cash salaries by the State to all branches of the army.[22]

Finally we may mention a reference in an inscription of the second century A.C., which gives us a glimpse into the agricultural policy of the Maurya Empire. The Girnar rock inscription of the Satrap Rudradāman (dated *c.* 150 A.C.)[23] states how the

Sudarśana lake ('the Lake Beautiful') was constructed by the governor of Chandragupta Maurya and was subsequently restored by the governor of Asoka. This record furnishes a practical illustration of the care which was bestowed by the Mauryas upon the construction of irrigation-works in the most distant provinces of their Empire. In this they only followed the traditional policy of development that is sketched in the Smṛtis and described more fully in the Arthaśāstra.

For some five centuries and a half after the death of Asoka the historical records throw but little light upon the conditions of land-revenue prevailing in Northern India. There is, however, good reason to believe from references in the inscription of Rudradāman above-mentioned that the payments in kind and in cash by the cultivators were continued at least in the regions of Malwa and Gujarat under the same titles (*bhāga* and *bali*) as in the time of Asoka. In the same record reference is also made to the benevolence (*praṇaya*), the periodical tax (*kara*) and unpaid labour (*viṣṭi*)—which are likewise known to the Arthaśāstra—as familiar sources of financial oppression.[24]

Some light is thrown upon the agrarian conditions in Western India during this period by the inscriptions on the caves at Karle and Nasik belonging to two principal dynasties, *viz.*, the Kṣaharātas and the Śātavāhanas.[25] In so far as the former dynasty is concerned, the inscriptions of Usavadāta,[26] the son-in-law of the famous satrap Nahapāna, men-

tioning his gift of specified villages and fields in favour of temples, Brāhmaṇas and the Buddhist order show how Assignments to the members of the royal family were known at this time, and how these were accompanied with the right of full disposal of the lands concerned. We have a concrete instance of this kind of Assignment in an inscription of Gautamīputra Śātakarṇī, the conqueror of Nahapāna, referring to a field that was formerly 'enjoyed' by Usavadāta.[27] The records of the Śātavahānas, mentioning the immunities and privileges granted in favour of charitable endowments, refer to the various burdens such as the visitation of State officers and troops, the fine for extracting salt which was a Government monopoly and so forth.[28] But except in one doubtful instance[29] there is no mention of a regular tax levied upon the village lands. On the other hand, the records refer to the royal allotments in the villages, as for example in one case[30] where King Gautamīputra grants what he describes as 'our field' (*amhakheta*) to certain ascetics, and in another[31] where the same king confers one hundred *nivartanas* of land out of 'the royal field belonging to us' (*rājakam kheta amhasatakam*). Here, then, in these oldest available references to agrarian conditions in Western India it would seem that the king's revenue was derived only from his own allotments in the villages, and not from his share of the agricultural produce. The evidence of the Śātavāhana records, further, shows that religious endowments created by the kings in favour of Buddhist monks and accompanied with the usual im-

munities were common—indeed the documents often use a characteristic phrase called ' the immunities of the monks' land ' (*bhikhuhala-parihāra*).[32] As this class of endowments has always been looked upon as occupying a privileged position, it may be mentioned that under the Śātavāhanas they were neither perpetual nor irrevocable. Thus in one case[33] the king is said to give away the land according to the custom of *akṣayanīvi*, which is a technical term signifying perpetual enjoyment without the right of alienation. In another instance[34] the king exchanges one village for another formerly granted by him to certain ascetics.

The oldest epigraphic records of South Indian dynasties, dating from about the third century of the Christian era, point to the fact that here again the royal revenue was derived from the king's farms or allotments in the villages, while land-revenue in the proper sense of the term was as yet unknown. Let us first take the records of the Pallava kings of the Prakrit charters, who are generally assigned to the third and fourth centuries A.C. and whose rule extended not only over the Tamil and the Kanarese countries, but also over the Telugu territory.[35] The records of these kings which are very similar in language and style to those of the Śātavāhanas, mention various immunities (*parihāras*) granted by the ruling authorities to the donees along with their donations of land—the number of the immunities being specified in one case as eighteen,—but they make no reference to the assignment of the land-revenue. On the other hand, the record just referred

to mentions the king's gift of a garden along with certain lands and four *ardhikas*, while in another case the king's grant consists of a field cultivated by a named person. The reference to the *ardhikas*, who correspond to the *ardhasītikas* of the Arthaśāstra, shows that as in the earlier period the royal allotments were let out to the class of tenants cultivating them in return for half the produce. We next turn to the dynasty of the Bṛhatphalāyanas who apparently succeeded the Pallava Kings of the Prakrit charters in the Godāvarī tract.[36] A record of King Jayavarman of this dynasty conveying a village in favour of eight Brāhmaṇas mentions various immunities that were granted to the donee, but not the slightest reference is made therein to the immunity from the land-revenue. Let us next consider the dynasty of the Śālankāyanas who apparently succeeded to the inheritance of the Bṛhatphalāyanas, and whose rule probably lasted from about 350 to 500 A.C.[37] A record of Vijayadevavarman of this dynasty mentions the king's gift in favour of a Brāhmaṇa of certain lands together with the house-site for the *ardhikas*, the donation being accompanied with the usual immunities. Here, again, it will be observed, the king is described as holding farms or allotments which were cultivated by tenants on the principle of equal division of the crops, but no reference is made to the land-revenue. References to the royal allotments in villages are also found in the records of the Pallava kings of the Sanskrit charters, who have been assigned to the period from the fifth to the beginning of the seventh centuries.[38] Thus we have

one example[39] of a king conveying certain lands lying on the boundary of a specified village. In another case[40] we are told that the royal allotment (*rājavāstu bhūtvā sthitam*) in a certain village amounted to eight hundred *paṭṭikas* (the Tamil equivalent of the Sanskrit *nivartanas*), out of which the king granted 432 *paṭṭikas* to an individual Brāhmaṇa. It should be added that neither of these documents makes any reference to the assignment of the land-revenue.

From this digression into the history of the agrarian conditions in the Deccan and in Southern India, let us turn to Northern India, the greater part of which was ruled by the Imperial Gupta dynasty during the fourth and fifth centuries. The Gaya grant of Samudragupta dated in his ninth regnal year[41] (*c.* 339 A.C.) shows that in the dominions directly ruled by the Gupta Emperors the usual branches of the land-revenue were in use. In this record the revenues assigned by the Emperor to the donee are said to comprise *meya* (' what is to be measured ') and *hiraṇya*, of which the former evidently stands for the *bhāga* of the Arthaśāstra and the Asokan inscriptions, while the latter is the familiar title for cash payments by the cultivators. Direct reference is made to the payment of the land-revenue in kind in the brief and enigmatic statement of Fa Hian, the famous Chinese pilgrim, who visited Northern India between 399 and 414 A.C. in the reign of the Gupta Emperor Chandragupta II. In the course of his brief sketch of ' the Middle Kingdom ' (corresponding to the central regions of the Gupta Empire), he observes,[42] " Only those who cultivate the royal land have to pay a portion of the

gain from it.'' As the term ' royal land ' in this extract has been elsewhere shown to mean the whole territory of the State, the evidence of the pilgrim confirms the statement in the inscriptions about the payment in kind. Of the methods of assessment of this branch of the revenue our documents give us practically no indication, but the testimony of Fa Hian just mentioned at least shows that the revenue-demand was fixed on the basis of a certain share of the produce, the amount of which, however, is left unspecified. The records of the Gupta Emperors, in the next place, tend to show that besides the land-revenue properly so called, the State income was derived from lands which the Emperor owned in the villages. In the aforesaid grant of Samudragupta the village is given away by the Emperor not only along with its revenues, but also with the *uparikara*. We have elsewhere[43] explained this term, which here occurs for the first time, to mean the rent paid by the temporary tenants. Evidently, then, the Government sometimes owned lands in the villages, which were leased to the cultivators. A clause of the Gaya grant, moreover, illustrates the stringent restrictions which it was found necessary to impose upon the holders of pious endowments. According to this clause the donee thenceforth was not to admit, on pain of confiscation of the endowment, the revenue-paying cultivators and so forth from other villages. This rule, like its counterpart in the Arthaśāstra to which reference has been made in the preceding lecture, was evidently intended to prevent what had become a frequent method of defrauding the Government treasury on the part of the owners

of revenue-free lands. Another statement of the Chinese pilgrim tends to show that the Gupta Emperors were averse at least to Assignments for military service. "The men of the king's body-guard," says Fa Hian in the course of the same general description of the Middle Kingdom to which we have referred, "all have fixed salaries."

A series of seven copper-plate inscriptions with known dates ranging from 432-433 to 533-534 A.C. which have been brought to light in recent years in North Bengal illustrates some features of land-revenue administration in this outlying part of the Gupta Empire. With these may be connected a set of five copper-plate inscriptions hailing from the Faridpur District of Eastern Bengal, which have been assigned on palæographical grounds to the latter half of the sixth and the first part of the seventh centuries.[44] Both these sets of documents relate, with one exception, to the sale by State authorities of selected plots of land out of the unappropriated waste. As we have shown elsewhere, the evidence of the documents themselves proves that the Waste Land was held by the State in absolute ownership. The documents further mention the fact that the plots sold out of this waste were to be held in perpetuity, and 'according to the custom of non-destruction of the principal.' It therefore follows that in the oldest period to which the records in Bengal can be traced the State was not only the owner of the unappropriated waste, but reserved its right to the same to such an extent as to exclude even the occupiers by right of purchase from the privilege of alienation. Again, the docu-

ments describe the waste land as exempted from all revenues (*samudayabāhya*). Whether the plots after sale became liable to the revenue assessment is a point on which the records are silent, but it may be guessed that they became liable to a progressive enhancement of the revenue till the normal rate was reached. One other point remains to be mentioned in this connection. In the documents the intending purchasers are frequently mentioned as making a formal application for purchase of certain *kulyavāpas* of land according to the prevailing rates of sale for one *kulyavāpa*, while the authorities at the time of making over the plots to them cause the lands to be severed according to the measure of 8×9 reeds (*naḷa*). The first of these measures related to the seed-capacities of fields (one *kulyavāpa* comprising as much land as can be sown with a *kulya* of seed), while the second was evidently an oblong measure comprising an area of nine reeds in length and eight reeds in breadth. We may then conclude that while the primitive measure by seed-capacity was in popular use from earlier times, the Gupta administration engrafted upon it the more improved measure according to the area of the land. Even this last improvement was not enough, as the reed consisted of varying units of length called *hastas*. To produce a reliable standard it was necessary to fix the size of the *hasta* measure. This last step was taken in the documents from Eastern Bengal above-mentioned, where the lands are required to be severed according to the measure of 8×9 reeds 'by the hand of the famous and upright Śivachandra.'

In the region of modern Bundelkhand and Baghelkhand two dynasties were in power almost contemporaneously during the Gupta period. These were the Parivrājaka Mahārājas of Dabhālā (or Dahālā) who were feudatories of the Gupta Empire with known dates ranging from 475-476 to 528-529 A.C. and the Mahārājas of Uchchakalpa whose known dates range from 493-94 to 533-34 A.C.[45] The records of the latter dynasty specifically mention the payment of the land-revenue in kind (here called *bhāgabhogakara*) and in cash (called by the older title of *hiraṇya*), while those of the former dynasty are silent about them. Both groups of records usually mention that the land is granted with *udraṅga* and *uparikara*, which have elsewhere been taken to mean the rent from permanent and temporary tenants respectively. This suggests that as in the central regions of the Gupta Empire there were State-owned lands in the villages, which were leased to tenants. An additional item of revenue mentioned in some of the Uchchakalpa records is the tax on ploughs (*halikākara*), but nothing is explained about it. From the fact that in some of the documents a portion of a village or even portions of two distinct villages form the object of the gift, it may be surmised that the villages concerned were not assessed collectively, but with reference to the individual holdings. As might be expected, the records of both dynasties relate for the most part to religious and charitable endowments created by the kings in favour of temples and Brāhmaṇas. A distinct type of grants, however, namely, that assigned to a courtier as a favour is probably referred to in an Uchcha-

kalpa document, where the clauses show that although it was perpetual, it could not be alienated without the king's consent.

We may next notice a few isolated records of kings who were probably feudatories of the Gupta Empire ruling in different parts of Northern India. An inscription of a Mahārāja Lakṣmaṇa[46] belonging probably to 477 A.C. and assignable to the region of ancient Kauśāmbī refers to the usual payment of the land-revenue in kind (called *meya*) and in cash (called *hiraṇya*). A record of Mahārāja Nandana[47] belonging to the region of Magadha and probably of the year 450-451 A.C. proves that as under the Parivrājakas and the Mahārājas of Uchchakalpa the pious endowments created by kings in favour of Brāhmaṇas were held on the conditions of perpetuity and heritability and with the essential rights of ownership. We may refer, lastly, to two records[48] belonging to the region of modern Indore, those of Mahārāja Svāmidāsa (probably of 386-387 A.C.) and Mahārāja Bhuluṇḍa (probably of 426-427 A.C.). Both these are concerned with donations of lands in specified villages by the kings in favour of named Brāhmaṇas. The former document mentions the king's gift of a piece of cultivated land which forms the holding (*pratyaya*) of a certain merchant, and the latter more vaguely refers to the gift of a similar piece of land. From the fact that in these instances the holdings of individual cultivators are sought to be given away, it may be concluded that the villagers were separately assessed for the land-revenue and not in a lump sum.

During the Gupta period Gujarat was ruled by various dynasties whose records illustrate to some extent the prevailing conditions of land-revenue. We begin with the Traikūṭakas who ruled Aparānta (Northern Konkan) together with Southern Gujarat in the latter half of the fifth century.[49] The land-grants of these kings mention various immunities and privileges granted in favour of the donee, among which is included the exemption from all dues (*ditya*), but the precise meaning of this last term is left unexplained. We next turn to the branch of the Kaṭachuri kings who ruled Southern Gujarat in the latter half of the sixth century.[50] The land-grants of these rulers do not in general refer to the usual branches of the land-revenue—in fact the terms *meya* and *hiraṇya* occur only in a land-grant of a feudatory of the dynasty. Separate assessment of the holdings of the villagers is proved by a record of the dynasty mentioning the king's gift of certain lands in a specified village.

We now turn to the important dynasty of the Maitrakas of Valabhī whose rule began in the region of Kathiawar towards the close of the fifth century, and continued down to the last quarter of the eighth century when they were apparently overthrown by the Arabs of Sind.[51] The land-grants of these sovereigns distinctly refer to the payments in kind and in cash (called *dhānyahiraṇyādeya*). One grant, in mentioning the usual list of privileges assigned to the donee, further distinguishes the item of *dhānya* from that of *bhāgabhogakara*, both of which terms usually mean the payment in kind. Probably the former is here to be under-

stood in the sense of a fixed contribution, while the latter consisted of a varying proportion of the produce. The Maitraka grants, moreover, usually refer to the *udranga* and *uparikara* items of revenue, which suggest that certain village lands were owned by the State. Most of these documents, again, mention the king's gift (along with the royal dues derived therefrom) of fields or wells or both lying in the extremities of specified villages and forming in many cases the holdings (*pratyaya*) of named cultivators. This seems to suggest separate assessment of the individual holdings of the cultivators. Lastly, while the known land-grants of the Maitrakas are concerned with the royal endowments in favour of temples, Brāhmaṇas and monasteries, an official title referred to in some of these documents introduces us for the first time to the class of farmers of the land-revenue. This is the *dhruvādhikaraṇika* (otherwise called *dhruvasthānādhikaraṇika*) 'the officer in charge of the *dhruvas*,' the last term being applied till recent times in Kathiawar and Cutch to denote persons who superintended the collection of land-revenue by the farmers on the king's behalf.

Let us, in conclusion, cast a glance at the land-revenue conditions in the Deccan in the time of the Gupta Emperors. During this period the predominant power in that region was that of the Vākāṭakas.[52] The land-grants of these kings seem to indicate the development of the traditional system in three respects. We refer, in the first place, to the fact that the clauses of their grants not only mention various burdens from which the donee was to be

exempted, but also specifically mention the immunity from taxes (*kara*). When we remember that the documents of the preceding dynasties in the Deccan as well as in Southern India refer only to the burdens from which the donee was to be exempted, the Vākāṭaka inscriptions may be taken to mark the beginnings of the land-revenue properly so called in this part of the country. In the second place, we have to mention that the lands or villages forming the object of the royal endowment are indeed sometimes described merely with reference to their boundaries, but they are oftener stated in terms of the current land-measure (called *bhūmi*) and in one case reference is made to the royal measure (*rājamāna*). In this last reference to an official standard of measurement we may notice a distinct advance as compared with the arrangements of the Śātavāhanas who were content to use the current *nivartana* land-measure. The third point relates to a clause in one of the Vākāṭaka land-grants conveying a village to a body of one thousand Brāhmaṇas. We are here introduced to a remarkable condition of the grant (*śāsana-sthiti*) to be maintained by the donees as well as by the present and future rulers. Under its terms the donees are permitted to enjoy the grant in perpetuity in effect on the condition of continued loyalty and good conduct, failing which it is expressly declared that the grant should be resumed by the king. When we consider how the endowments made in favour of Brāhmaṇas have always enjoyed a highly privileged position, we cannot but look upon the above document as marking a noted departure from the beaten track.

LECTURE III.

A Historical Account of the System in Northern India (Second Period).

In the previous lecture we have endeavoured, with the aid of the literary and epigraphic records, to bring down the history of the land-revenue system in Northern India to the memorable epoch of the downfall of the Imperial Gupta dynasty. It is proposed in the present lecture to continue the study down to the period marked by the collapse of the Gurjara-Pratihāra dynasty of Kanouj which in the height of its splendour under King Mahendrapāla (*c.* 890-908 A.C.) ruled the whole territory extending from Northern Bengal to the Kathiawar Peninsula and from the Himalayas to the Narmada.

In the first half of the seventh century the most considerable power in Northern India was undoubtedly that of Kanouj under the rule of the famous Harṣavardhana (606-648 A.C.).[1] The land-grants of this Emperor refer to the usual branches of the land-revenue under the familiar title of *bhāgabhogakara* and *hiraṇya*. We are, however, left completely in the dark as regards the method of its assessment. A curious phrase used in the documents, *viz.*, ' with the piece taken out from the district,' probably shows that the revenue-free lands were excluded from the ordinary jurisdiction of the district authorities.

Some light is thrown upon the land-revenue conditions prevailing in the country as a whole in the valuable but brief account of Hiuen Tsang, the illustrious Chinese pilgrim who visited almost every part of India excepting the extreme south between 629 and 645 A.C.[2] In the course of his general description of India prefacing the detailed narrative of his travels in its different parts he observes, "Taxation being light and forced labour being sparingly used, every one keeps to his hereditary occupation and attends to his patrimony. The king's tenants pay $\frac{1}{6}$ of the produce as rent." This last statement, as we have elsewhere explained, refers to the payment in kind by the cultivators on the revenue-paying lands, which corresponds to the *bhāgabhogakara* of the contemporary inscriptions. We have here one of the few authentic instances of application of the uniform rate of $\frac{1}{6}$ that is mentioned in some of the Smṛtis. The evidence of the Chinese pilgrim, moreover, is important as showing, what the historical records of the time fail otherwise to specify, that the revenue-paying cultivators enjoyed in effect the advantage of hereditary possession of their holdings.

In another part of his general description of India to which reference has been made just now, Hiuen Tsang observes, "Of the royal land there is a four-fold division. One part is for the expenses of Government and State worship, one for the endowment of great public servants, one to reward high intellectual eminence and one for acquiring religious merit by gift to the various sects." Here the term 'royal land,' as we have elsewhere ex-

plained, stands for the whole territory of the State. Proceeding on this explanation, we may state that the first portion mentioned by the pilgrim evidently corresponds to the ordinary revenue-paying lands in the villages, and the third which has its counterpart in the Arthaśāstra is illustrated (as we shall presently see) by historical examples in Gujarat and the Central Provinces in the tenth and eleventh centuries respectively while the last is represented by scores of examples in the Ancient Indian land-grants. The second class of lands referred to by the pilgrim belongs to the same category as the Assignments of lands to State officers mentioned in the Arthaśāstra and the Smṛtis. But while the latter authorities contemplate the bestowal of the Assignments only upon the lower officials (specially those concerned with the local administration), Hiuen Tsang's evidence shows that they were extended to the higher officers as well. As the pilgrim explicitly states in the same context, "The ministers of State and common officials all have their portion of land, and are maintained by the cities assigned to them." The general increase of the Grants and Assignments at the expense of the Reserved area directly administered by the king's revenue officers, is suggested likewise by Hiuen Tsang's division of the whole State territory into these parts.

Of the minor kings and dynasties of the seventh century we have a few isolated records which imperfectly illustrate the land-revenue conditions under their rule. A grant of Mahārāja Bhīmasena II belonging to the region of Chhattisgarh in the Central

Provinces and of the year 601 of the Christian era,[3] refers to the items of revenue called *meya*, *hiraṇya* and *suvarṇa*. The first two terms evidently stand for the usual payments in kind and in cash by the cultivators, but the distinction which is sought to be drawn in this document between the payment in cash (*hiraṇya*) and the payment in bullion (*suvarṇa*) is altogether exceptional. We may next refer to a land-grant of a feudatory in the region of Orissa and dated apparently in 602-603 A.C.[4] This document provides an instance of a religious endowment that was granted on the condition of perpetual enjoyment without the right of alienation (*akṣayanīvi*). In the extreme north-east of India we have for this period the Nidhānpur copper-plate inscription of Bhāskaravarman, King of Kāmarūpa,[5] who was the contemporary of Harṣa of Kanouj. In this document it is mentioned how an endowment of land originally granted to a Brāhmaṇa by the king's great-great-grandfather became liable to revenue (*karada*) owing to the subsequent loss of plates, and how the king Bhāskaravarman afterwards renewed the grant in favour of the family of the same donee. Here, then, in the oldest period to which the records carry us back in Assam, the villages are already found to be liable to a tax (*kara*), of which, however, the precise character is left unexplained. It further appears that a close scrutiny was maintained by the Government over the charitable endowments which could be made liable to revenue for loss of the title-deeds. Incidentally it may be remarked that the above inscription mentions in a list of officers at-

testing the grant a Marker of Boundaries (*sīmāpradātā*), which points to a regular organisation for the demarcation of village boundaries unlike the loose arrangement of the Smṛtis. Of a slightly later date than the inscription of Bhāskaravarman is the Tipperah grant of a Chief called Lokanātha,[6] who ruled some portion of Eastern Bengal in the latter part of the seventh century. It records an endowment that was granted by the Chief to a temple and to a community of Brāhmaṇas within a forest region ' having no difference of natural and artificial.' This seems to show that as in the Arthaśāstra the forests were regarded as the property of the State.

To the end of the sixth and first part of the seventh centuries belonged the Gurjara dynasty of Broach in Gujarat.[7] The land-grants of these kings refer to the *udraṅga* and *upariṅkara*, pointing to the existence of State ownership of lands in the villages. In two documents the objects of the gift are stated to consist of certain fields which are described according to their seed-capacity. This seems to show that unlike the dynasties of Gujarat ruling in the preceding period, the Gurjaras were content to use the primitive method of measurement by seed-capacity even in their official documents.

In the outlying territory of Nepal which was ruled during the fifth, sixth and early part of the seventh centuries of the Christian era by a Lichchhavi dynasty,[8] the surviving records point to the fact that the payments of the land-revenue in kind and in cash were in use under the well-known titles of *bhāgabhogakara* and *hiraṇya* respectively. Other taxes of a more or less peculiar character to which

reference is made in these records include the interesting *mallakara*, that is, the tax which was raised for defence against the *Mallas*, or for payment of tribute to them. There was, besides, the obligation of supplying load-carriers specially for the Tibet service (*bhoṭṭaviṣṭi*). A curious feature of the religious and charitable endowments of this dynasty is that the donees are not altogether exempted from the burdens devolving upon the revenue-paying lands, but are charged with them at a reduced rate or are made liable to a pecuniary fine alone for specified offences.

For the eighth century of the Christian era we have a few records of local kings illustrating the agrarian conditions in their time. An inscription of Jīvitagupta II of the later Gupta dynasty [9] who belonged to the early part of the eighth century, refers to *udranga* and *uparikara*, which prove the existence of State-owned lands cultivated by tenants in the villages. An inscription of the Chāhamānas of Broach of the year 756 A.C.[10] mentions a king's gift of one-fourth of a village to a Brāhmaṇa and one-fourth to another. This evidently involved the assignment of revenues that were assessed separately upon the lands concerned. We now turn to the land-grants of the kings of Śarabhapura [11] belonging to the region of the Raipur and Bilaspur districts of the Central Provinces, which have been assigned on palaeographical grounds to the eighth century. These tend to show that the payment of the land-revenue in kind was in vogue under its usual title. Two grants of Tīvaradeva,[12] king of South Kośala (corresponding to the modern Central Provinces), which have been assigned to the middle of the eighth cen-

tury, mention not only the payment in kind (*bhāga-bhogakara*), but also a strange revenue-term called *dāradraṇaka* which Fleet took to mean either an agricultural cess or a marriage-tax.

We have now arrived at the important epoch in the history of Northern India that is marked by the rise of the Rajput dynasties. This event is memorable as introducing for the first time the type of monarchies organised on clan lines, which was afterwards so widely prevalent in Rajputana.[13] In this type of clan-monarchies, as they have been called, to distinguish them from the usual class of single rulerships prevalent elsewhere, the central or at any rate the best part of the kingdom is appropriated by the king, while the outlying portions are assigned to the lesser chiefs of the clan. The king levies the land-revenue entirely from his demesne, while the Chiefs only contribute aids in time of war, fees on succession, and so forth.

The most important of the Rajput dynasties that arose in Northern India during the present period was that of the Gurjara-Pratihāras of Kanouj. In the latter half of the ninth and early part of the tenth centuries they became the leading power in the territory between the Himālayas and the Narmadā. The inscriptions of these kings contain an unusually large number of references to estates held by the Chiefs of the royal and other clans under their rule. Thus we have examples of grants made by a Chief of the Chāhamāna clan,[14] by a Chief of the Guhila clan,[15] by a Chief of the Chaulukya (or Chālukya) clan of Kathiawar,[16] by a Chief of the

Chhinda family ruling in the region of the modern Pilibhit district of the United Provinces,[17] and lastly by a Chief called Mathanadeva of the Gurjara-Pratihāra lineage, who claims to have obtained his allotment as his own share (*svabhogāvāpta*).[18] An allusion to a clan-Chief's estate is apparently made in an inscription of the reign of Mahendrapāla II [19] mentioning the donation of three villages by three brothers of the Tomara clan who were in the service of the Emperor. Reference is made in other records of the Gurjara-Pratihāras to a number of Chiefs who held the town of Siyadoni under the suzerainty of the Emperor Bhoja and his three successors,[20] and to a Chief (*mahāsāmanta*) who was in possession of a tract of country in Central India under the same Emperor Bhoja.[21] The typical allotment of the clan-Chief is mentioned in another document [22] where the village forming the object of the gift is located in a group of 84 villages, which the donor claims to have acquired by the might of his own arms.

Apart from the class of Chiefs' estates just mentioned, the older type of Assignments to officials is apparently referred to in an inscription of Mahendrapāla II.[23] It records the Emperor's grant of a village which was in possession of a certain *talavarggika-harisaḍa*, meaning probably an official of the name of *Harisaḍa*. The contents of this document show that unlike the Chiefs who were entitled at least to create religious endowments out of their Estates, the Assignees practically held their lands at the pleasure of the Crown. With regard to the class of charitable endowments we may take the

example of a Gurjara-Pratihāra land-grant.[24] It mentions how a feudatory of King Nāgabhaṭa granted a village to a Brāhmaṇa with his suzerain's approval, and how subsequently the grant was restricted by the legal officers so that it had to be renewed by Bhoja. Here we catch a glimpse into the close scrutiny which the legal officers of the Crown were wont to bestow upon the revenue-free tenures.

The clauses of the Gurjara-Pratihāra land-grants, while mentioning the privileges granted to the donees by the kings and Chiefs, show that alike in the Chiefs' estates and the Reserved tracts of the king, the payments in kind and in cash were in use.[25] In addition to these familiar items of revenue some of the Chiefs' records [26] refer to the rents from permanent and temporary tenants (*udranga* and *uparikara*), the cesses charged upon the crops at the threshing-floor (*khalabhikṣā*), the extra contributions charged upon every *prastha* measure of liquids and every shoulder-load of articles brought into the king's treasury (*prasthaka* and *skandhaka*) and so forth.

A few words may be said in the present place about the methods of assessment followed by these rulers and kindred topics. Division of the crops at the threshing-floor is suggested by the revenue term *khalabhikṣā* just mentioned. Again, the famous Siyadoni inscription [27] mentions the donation by a whole town (*sakalasthāna*) of a field of which the length and breadth are specified according to the current *hasta* measure. Another record of the year 876 A.C.,[28] while mentioning the gift by a whole town (*samastasthāna*) of a piece of land and certain

fields, states that the former measured 250 × 20 *hastas* by the Emperor's *hasta* measure (*parameśvarīya-hasta*), while the latter required 11 *droṇas* of barley-seed according to the measure of Gopādri (the ancient name for Gwalior). These documents help to show how the primitive method of measurement by seed-capacity and the more advanced method of measurement according to the area of the land, both of which varied from place to place, were simultaneously in use. They also tend to indicate how the Gurjara-Pratihāra Emperors tried to effect an improvement by introducing a standard *hasta* measure.

We now turn to another Rajput dynasty that held sway in Gujarat together with its branches and feudatories during the greater part of the ninth century. This was the great dynasty of the Rāṣṭrakūṭas of the Deccan, who were the contemporaries and rivals of the Gurjara-Pratihāras of Kanouj. The records of these rulers repeatedly refer to the clan-Chief's estate consisting of 84 villages and its subdivisions, such as the groups of 42 and 12 villages.[29] A curious feature of complexity is introduced in a Rāṣṭrakūṭa inscription of 910-911 A.C.[30] where the village granted by the king is placed in a group of 10 villages included within a larger group of 84 villages which itself is comprised in a group of 750 villages. In this case the groups of 10 and 750 villages, broadly speaking, have their counterparts in the administrative divisions of the Arthaśāstra and the Smṛtis, while the group of 84 villages exactly represents the normal allotment of the clan-Chief. Here, then, we have apparently an instance

of super-imposition of the typical arrangement of the clan-monarchies upon an older series of territorial divisions based upon the traditional system. The records of the Rāṣṭrakūṭas refer both to the payments in kind (*bhāgabhogakara, bhogabhāga* or *dhānyāya*) and in cash (*hiraṇya*). Sometimes they are jointly indicated by the term *dhānyahiraṇyādeya*. Reference is also made in some records to the rent paid by the permanent tenants (*udranga*).[31]

We may notice in this place an interesting inscription of 917-918 A.C.[32] belonging to a Surāṣṭra Chief of Chāpa lineage which is closely allied to the Gurjara stock. It records the Chief's gift of a village to a spiritual preceptor as his ' fee of learning ' (*vidyādhana*). Here we have another historical instance of the type of endowments for learning which is referred to in the Arthaśāstra and vouched for by the high authority of Hiuen Tsang in the seventh century.

Another Rajput dynasty of this period is commemorated in an inscription of 973-974 A.C.[33] which mentions a family of seven generations of Chāhamāna kings ruling in the region of Sāmbhar in Rajputana. From the large number of Assignments mentioned in this single document it may be inferred that they preponderated over the king's Reserved tract. Thus the donations of land mentioned in this document consisted of the following :—

1. A donation by King Siṁharāja of one village in a specified group of 12 villages belonging to his own domain (*svabhoga*).

2. A donation by Vatsarāja, the brother of King Siṁharāja, of one village in a named district which he had obtained as his own allotment (*bhoga*).

3. A donation by King Vigraharāja, son of Siṁharāja, of two villages.

4. A donation by two sons of Siṁharāja, of two hamlets in a certain district which they had obtained as their own allotment (*bhoga*).

5. A grant by the *Duḥsādhya* (evidently a State official) of King Siṁharāja, of one village which was in his own possession (*svabhujyamāna*).

6. A donation by Jayanarāja (evidently a Prince of the ruling house) of one village which was in his own possession.

Let us turn to the history of the States and dynasties in other parts of Northern India that were more or less contemporaneous with the Gurjara-Pratihāras. We begin with the kingdom of Kashmir. The famous Kashmir chronicle, describing the exactions of two tyrannical kings called Śankaravarman (883-902 A.C.) and Harṣa (1089-1101 A.C.), mentions specifically that both of them appropriated the lands and villages belonging to the temples.[34] In this connection the chronicler further states that Śankaravarman paid a compensatory allowance (*pratikara*) to the dispossessed owners of the temple lands. Here we have a historical parallel of the institution which

under the name of *mālikānā* played an important part in the revenue history of Bengal in the early period of British rule.

We may next refer to an inscription of a king called Mahāśivagupta [35] who ruled in the region of the Central Provinces sometime in the eighth or the ninth century. This document, while describing the arrangements relating to a temple of Viṣṇu, introduces us to a complex example of pious endowment. It mentions that five specified villages were to be divided into four shares of which three were reserved for the purpose of an alms-house, of repairs to the temple and of support to the temple servants. The fourth and the last share was to be divided into fifteen shares, of which twelve were to be enjoyed by as many learned Brāhmaṇas on the condition that the shares would descend to their qualified heirs in the male line, failing which they would devolve upon the other relatives of the donees by their own choice and not by the orders of the king. The remaining three shares were to be enjoyed by a Brāhmaṇa priest and two worshippers of the Bhāgavata sect. All the fifteen shares were to be held without the right of gift, sale or mortgage. Here we have a curious instance of a revenue-free estate held on condition of heritability in the male line on proof of fitness but without the right of alienation.

An inscription of Kulastambha of the region of Orissa,[36] whose date has been assigned to the ninth century, records the king's gift of a village yielding 42 silver coins (*rūpyas*). This shows that in contrast with the arrangements prevailing elsewhere cash assessment of the land-revenue was now in

use in a part of Eastern India. Moreover from the fact that the cash income from the entire village is mentioned in connection with the grant, we may guess that it refers to the process prevailing in Moslem India, which has been conveniently called Valuation.

During the period from the end of the eighth to that of the eleventh century Bengal was ruled for the most part by kings of the famous Pāla dynasty, while towards its close minor dynasties such as the Chandras and the Varmans shared the possession of the country with the Pālas.[37] The records of these kings refer to the payment in kind (*bhāgabhogakara, bhogabhāga, rājabhogakara,* or more generally *kara*) and in cash (called *hiraṇya* or *piṇḍaka*). Reference is also made occasionally to the rent of temporary tenants (*uparikara*). The mention of an officer called *ṣaṣṭhādhikṛta* ('the officer in charge of the sixth') in the earliest extant Pāla inscription shows that as in the time of Hiuen Tsang the land-revenue in kind was assessed on the basis of a uniform rate of $\frac{1}{6}$ of the produce. Further it indicates that the management of this branch of the revenue was entrusted to a distinct department of the administration. The Pāla records contain not the slightest reference to the measurement by reeds which prevailed in Bengal under the Imperial Guptas and their immediate successors, but one document apparently mentions the measurement of lands by seed-capacity along with the current measure according to the area. With regard to the pious endowments, it is enough to state that they were granted by the kings in perpetuity and with full right of ownership. The docu-

ments, again, frequently refer to the *grāmapati* ('the village headman') and the *kṣetrapa* ('the lord of the fields') and once to the *dāśagrāmika* ('the officer in charge of 10 villages'), but we have not the slightest indication of the part played by them in the land-revenue administration.

Let us notice, in conclusion, a few records of kings ruling in other parts of the country and belonging to the tenth and eleventh centuries. In the region of Assam the inscriptions of Balavarman (*c.* end of tenth century), Ratnapāla (early part of eleventh century) and Indrapāla (middle of the eleventh century),[38] furnish complete lists of burdens charged upon the ordinary revenue-paying lands from which the charitable endowments were exempted. These include the rent of temporary tenants (*uparikara*) as well as the 'oppressions' exercised by members of the royal family and State officers together with those caused by the grazing of animals, the binding of elephants and the mooring of boats, all apparently belonging to the State service. These burdens naturally suggest comparison with those occurring in the inscriptions of the early kings of the Deccan and Southern India, to which reference has been made in another place. The grant of Balavarman, moreover, conclusively proves the prevalence of payments of the land-revenue in kind, for it mentions in connection with the king's donation of certain lands the measures of rice produced by them.

LECTURE IV.

A Historical Account of the System in Northern India (Third Period)— Retrospect and Conclusion.

In the last lecture the history of the land-revenue system in Northern India has been attempted to be brought down, roughly speaking, to the period marked by the collapse of the Empire of the Gurjara-Pratihāras of Kanouj. We shall now try to pass in review the history of those dynasties that arose during the last phase of the ancient period, and were mostly swept away by the devastating flood of Moslem invasions towards its close. This will be followed by a brief retrospect of the ground that we have traversed, and some general reflections arising from its consideration.

We begin our account with the history of the Rajput dynasties that arose on the ruins of the Gurjara-Pratihāra Empire. One of the earliest dynasties to break away from the yoke of Kanouj was that of the Chandels of Jejākabhukti (modern Bundelkhand), who assumed independence in the middle of the tenth century and ruled with great glory till they were overthrown by Qutb-ud-din Ibak in 1203 A.C.[1] The land-grants of these kings refer in the completer examples to the usual payments in kind and in cash under the old familiar

titles. The further specifications in some of the grants that the king, the royal officers, the foresters, the irregular troops and the like, should renounce their respective dues, illustrates the more irregular charges that were ordinarily imposed upon the villages. In two documents the objects of the gift are stated to consist of certain lands described in terms of the primitive measure by seed-capacity along with the revenues derived therefrom. Evidently, then, the village lands were assessed, as in the Gupta period, with respect to the individual holdings of the cultivators.

Nearly all the Chandel land-grants are concerned with endowments in favour of Brāhmaṇas and temples. Their status is sufficiently indicated by a clause in one of the documents which expressly states that the donee is not to be obstructed with regard to the gift, sale or mortgage of the land. Another record which describes a family of scribes (*kāyasthas*) holding high office under the Crown mentions that three of them received villages from different kings. These probably belonged to the class of Assignments granted to officials for service. Two other documents mentioning a royal gift of land as *mṛtyūkā vṛtti* ('death-allowance') to the heir of a person killed in battle with the Moslem Turks introduces us to a type of grants unknown elsewhere in Northern India. This partakes of the nature of military pensions to the heirs of soldiers killed in battle.

Another Rajput dynasty that rose in power after the downfall of the Gurjara-Pratihāras was that of the Haihayas or Kalachuris of Chedi (modern

Central Provinces).[2] These kings declared independence after the middle of the tenth century, and attained considerable importance in the eleventh century, after which they virtually disappeared from history. The records of this dynasty prove the continuance (under the old titles) of the usual payments in kind and in cash. While most of the documents are concerned, as usual, with pious endowments, we have some examples of grants made for support of the king's family, which evidently carried with them the full right of alienation. Thus we have documents conveying the grant of lands by a Queen-mother, by a Queen-regnant, and apparently also by a Crown Prince. The grant of the Queen-regnant just mentioned consisted of two villages which were assigned by her to a certain sage as his *vidyādhana* (' fee of learning '), while the grant of the Crown Prince refers to a group of twelve villages within which the object of the gift was situated.

We may mention in this connection an inscription of a king called Soḍhadeva[3] belonging to a branch of the Kaṭachuri dynasty that reigned in the region of the Gogra and Gandak rivers in Oudh. The document which is of the year 1077 A.C. refers to the payments in kind and in cash under the usual titles. Its principal interest, however, lies in the description of the object of the grant which consisted of lands amounting to 20 *nālukas* measured by the standard rod called *devakuṭikāṣṭha*. Here, then, we have another historical instance of the official use of a standard unit for the measurement of lands.

The well-known Chālukya dynasty of Gujarat with Anahilvād as its capital was founded in the latter part of the tenth century, and it survived till the middle of the thirteenth century.[4] The records of this dynasty show that the usual payments in kind and in cash were in use under the old titles. Some documents refer to two additional charges called new *mārggaṇakas* and new *nidhānas*, which evidently stand for contributions of the nature of benevolences and cesses. When these terms are distinguished as ' new ' in the above documents, we have probably to understand that the old contributions called by the same titles had in course of time been absorbed in the permanent land-revenue assessment, and that afterwards fresh charges of the same nature were added to the list. This seems to register three successive stages in the revenue-history of the province, *viz.*, the original assessment of the land-revenue, the imposition of additional cesses which gradually became a permanent charge upon land, and the introduction of fresh cesses over and above the land-revenue and cesses combined. Another inscription of the same dynasty mentions the king's gift of certain lands belonging to three named cultivators along with the revenues derived therefrom. As in similar instances dealt with previously, this probably shows that the cultivators' holdings were assessed separately. While the Chālukya land-grants deal mostly with pious endowments, one document by its use of a special title (*talapada*) for fully assessed land suggests that the later division of lands in Gujarat into those fully assessed for revenue and

those which were held on condition of service or for a reduced lump assessment, may be traced back to the present period. Lastly, we may note that the Chālukya records contain occasional references to the typical clan-Chief's estate of 84 villages and its sub-divisions, but these are mentioned in such a way as to imply that they had become absorbed in the king's Reserved tracts, and in fact had degenerated into convenient geographical divisions. Thus one document, conveying the king's gift of a village, includes it in a group of 42 villages which is comprised in a larger territorial division called *pathaka*. In another case the land forming the object of the royal gift is located in a group of 126 villages in the Ānandapura division which was in the king's own possession (*svabhujayamāna*). This unit of 126 villages, it will be noticed, represents precisely one full-sized Chief's estate of 84 villages together with its half, but the description in the document shows that at the time of the grant it was no longer held by Chiefs, but had been absorbed in the king's domain along with the larger area in which it was included.

The illustrious house of the Paramāras of Malwa which was founded early in the ninth century of the Christian era flourished till about the middle of the eleventh century.[5] The land-grants of these kings refer to the payments in kind and in cash under the usual titles, besides mentioning the rent from temporary tenants (*uparikara*). Two documents record the royal donation of villages held by a *mahāsādhanika* and a *pratihāra*, both of these being well-known titles of State officers. We have here

two historical instances of Assignments in favour of officials, and the clauses of the documents show that they were held at the pleasure of the Crown. Other records of the Paramāras refer to the Chief's estate of 84 villages and its sub-divisions, but in such a way as to show that these had become mere administrative divisions. Thus one document mentions a king's grant of a village which belonged to a group of twelve villages, while another commemorates the king's grant of village comprised within a group of 42 villages which was itself included in a district.

The next Rajput dynasty to which we have to turn our attention is that of the Kachchapaghātas of Gwalior.[6] An inscription of this dynasty of the year 1088 A.C. mentions a certain town as belonging to the king, which probably shows by contrast that some other portions of the kingdom were held by Chiefs.

The famous Gaharwar dynasty of Kanouj came into power towards the end of the eleventh century and flourished for nearly a century afterwards when they were swept away by the tide of the Moslem invasion.[7] The land-grants of these kings which have fortunately been preserved in large numbers indicate some striking developments of the traditional system. To judge from the number of times the items of revenue are mentioned in the documents, we may conclude that while the payment in kind (*bhāgabhogakara*) held its place, the payment in cash (*hiraṇya*) fell into insignificance. Other references in the same documents show that various cesses, such as those payable on account of speci-

fied State officers were in use along with certain taxes for which hardly any parallels existed before, such as the nearly unique Turuṣkadaṇḍa (either a tax raised for defence against the Moslem invaders, or what is less probable, a tax levied on resident Moslem Turks in the kingdom of Kanouj). One document mentions the king's gift of half a village to his *purohita*, while the other half is divided among nine learned Brāhmaṇas. This probably shows that the village lands, as in similar instances mentioned before, were assessed separately for the land-revenue. Again, the records frequently describe the land that is sought to be given away in terms of the current *nāluka* measure, but nothing is mentioned about a standard unit of measurement. Another document which assigns nearly a whole administrative division (*pattalā*) to a body of five hundred Brāhmaṇas introduces us to a class of revenue-paying villages (*vikaragrāmas*) which are distinguished from villages assigned in favour of temples and Brāhmaṇas (*devadvijagrāmas*). Probably the former class consisted of villages that were assigned to officials for service.

We now turn to the records of the Chāhamāna houses of Marwar belonging mostly to the twelfth century, whose history brings to a close our survey of the Rajput dynasties of Northern India during the present period. The inscriptions of these dynasties mention a large number of estates held by the Queens and Princes, while they refer in one instance to the king's allotment. Thus one document[8] refers to a group of twelve villages which one of the junior Princes had received from the reign-

ing King and Crown Prince. Another[9] refers to a town included in a division (*bhukti*) which apparently belonged to the Crown Prince. A third[10] inscription mentions the Queen's grant of a village which was being held by her as her appanage (*grāsa*). Reference is made in another inscription[11] to a temple situated in the allotment (*bhukti*) of the Queen. Two other records[12] mention a couple of junior princes as possessors (*bhoktṛs*) of two named villages. Reference is made in another document[13] to the allotment (*sejā*) of a prince (*rājaputra*) called Ajayadeva, while other records[14] mention the same Prince's grant of lands and wells no doubt out of his own allotment. On the other hand, a solitary record[15] mentions a Queen's donation of corn out of the King's estate (*rājakīya bhoga*). One of the Chāhamāna records[16] relates to a Chief's imposition of an annual cash assessment upon the villages comprised within his allotment. There the donor who is a junior Prince conveys his order to each of the twelve villages in his allotment to pay every year at the month of Bhādrapada commencing from the current year two *dramma* coins for the benefit of a Jaina temple.

To complete our historical account of the land-revenue conditions prevailing in Northern India in ancient times, we shall now cast a glance at the history of the dynasties that ruled in other parts of the country during the present period. We begin with the record of a Chief called Kīrtīpāla[17] who ruled in the region between the Gogra and Gandak rivers and Nepal. From this document which belongs to the year 1111 A.C. we learn that the

donor's father acquired sovereignty over a country called Uttarasamudra by the might of his own arms, and that the donor subsequently acquired it by inheritance. This illustrates the class of Chiefships acquired by conquest and inheritance. For the region of Assam we have two royal land-grants of this period, one of which[18] belongs to Vaidyadeva and has been assigned to the middle of the twelfth century, while the other[19] relates to a Chief called Vallabhadeva and is dated in 1107 Śaka corresponding to 1184-85 A.C. The former document refers in general terms to taxes (*kara*) and their appurtenances (*upaskara*) in respect of the villages forming the subject of the gift. In the same document the villages given away are described somewhat vaguely as yielding four hundred coins (*chatuḥśatikam*). This doubtless marks the wholesale use of cash assessments in place of the older payment in kind. It may also refer to the process of Valuation involved in the assignment of villages, of which we have spoken elsewhere. Lastly, the description of the villages as being in possession of a certain Gangādharabhaṭṭa (evidently a Brāhmaṇa) probably shows that we have here to deal not with religious endowments (which were usually perpetual), but with assignments held at the pleasure of the king. As to the other record, the grant of Vallabhadeva mentions the Chief's gift in favour of an alms-house of certain villages and hamlets as well as of four assistants with their wives and children. These last may be taken either to represent the king's slaves or the serfs attached to the royal domain. If we apply this last interpretation, we have here an

instance of a quasi-manorial estate belonging to the king. An undoubted reference to an estate of this type occurs in a grant of king Vijayarājadeva[20] ruling in the region of Orissa in the eleventh or twelfth century. It records in the form of a *prasādapaṭṭa* (' document of favour ') the king's donation of cultivated lands, wells, houses and house-holders together with a village with its bipeds, quadrupeds, fields and house-holders.

In the early part of the twelfth century the well-known Sena dynasty rose in power in Bengal and it continued to hold sway till the close of that century when it was shattered by the Moslem invasion.[21] The land grands of the Senas prove the continuance of the usual payments of land-revenue in kind and in cash practically under the same titles as were in use elsewhere. On the other hand, in contrast with the vague descriptions in the Pāla records the lands granted by the Sena kings are uniformly specified in terms of the current land-measure according to reed-standards which varied in different parts of the country. As we have seen in another place, in the region of North Bengal under the Imperial Guptas the lands forming the object of the sale are similarly specified in terms of the current land-measure according to the reed-standard which was evidently not a uniform one. It therefore follows that the official standards of measurement which were in vogue in Bengal under the Gupta Emperors were allowed by the Pālas to fall into neglect, but were restored by the kings of the Sena dynasty. Other references in the Sena records point to the

annual cash assessment of land in terms of the current silver coins (*purāṇas and kaparddakapurāṇas*), and one of them mentions a standard rate of fifteen *purāṇas* for each *droṇa* measure of land. In these references we have a remarkable testimony to the wholesale substitution of cash assessments for the payments in kind prevailing in other parts of Northern India.

Looking back over the ground that we have traversed in the present and the preceding lectures, we cannot fail to be struck with the contrast between the great distance of time and place that it spans, and the meagre evidence that has come down to us. The sections on polity in the Smṛtis and connected works, as we have seen, touch the question of land-revenue in the most general terms, while even the fuller account of the Arthaśāstra, leaves many important points in the darkness of obscurity. The historical records of States and dynasties leaves wide gaps in our knowledge, which sometimes extend over several centuries at a time. It is, however, not merely in the insufficient quantity, but also in the poor quality of the available material that we have to seek for the sources of the great draw-backs in the way of our narrative. The references in the Smṛtis and the Arthaśāstra, such as they are, are incapable of being correlated (except in a very general fashion) to the conditions of time and place in which they had their origin, and the extent to which they reflect historical facts will always remain a matter of speculation. The evidence of the inscriptions has the inestimable advantage of connection with known dates and

geographical regions, but as this is derived mostly from the charters of the ruling authorities relating to the endowment of lands (roughly corresponding to the *farmāns* of Mughal Emperors in later times), it is by its very nature imperfect and fragmentary. Nor do the observations of the foreign travellers throw much light upon the subject of our enquiry, for apart from the ambiguity and obscurity of their language they are expressed in this particular case in too general terms to be of much use. On the negative side we find that with the exception of some slight reference in the Kashmir Chronicle no class of records connects individual kings or chiefs or ministers with the history of the land-revenue administration. From this it follows that the history of the land-revenue system in Ancient India has to be written almost entirely without reference to the influence exercised by individuals upon its development.

In the oldest period to which the historical records in Northern India carry us back, *viz.*, the fourth and fifth centuries before Christ, Grants and Assignments of lands of various kinds were known, but we have no means of ascertaining their extent and, with slight exceptions, the nature of their tenure. When the veil of obscurity is next lifted up before our eyes towards the close of the fourth century before Christ and, again, at the beginning of the fifth century of the Christian era, we find Megasthenes and Fa Hian testifying to the existence of direct relations between the Government and the cultivators, while Assignments are not even noticed by them. In the Smṛtis and still more in

the Arthaśāstra Assignments in favour of State officials are mentioned, but these are confined only to the officers of the lower grades. The Arthaśāstra is also acquainted with Collective Assessment of villages probably through the Headmen, as well as Assignments held on condition of providing troops, but these are mere names. By the early part of the seventh century, if we may believe the high authority of Hiuen Tsang, the practice of granting Assignments to officers of all grades was well established. In the ninth, tenth and eleventh centuries the advent of Rajput dynasties introduced the institution of Chiefs' estates on a large scale over a considerable part of Northern India. But this development was not maintained under the Rajput houses of the twelfth century, whose records point on the whole to a general tendency towards absorption of the older Chiefs' allotments in the king's domain.

On the whole, then, it appears that throughout the longest period of its history in ancient times Assignments played a relatively unimportant part in the agrarian system of Northern India, and the king's revenue officers as a rule dealt directly with the cultivators. Of farmers of the land-revenue our authorities practically make no mention, almost the only authentic example of their existence being found in the records of the Maitrakas of Gujarat. Truly, then, the dictum summing up the essence of the agrarian system in Moslem India,[22] namely, that the farmer and the assignee were normally the masters of the peasant's fate, would not apply to the ancient period. As regards the method of

assessment of the land-revenue, we have seen that already in the fourth and fifth centuries before Christ the methods of Division and Appraisement of the crops together with the method of Measurement were simultaneously in use in the region of Eastern India. The brief notice of Megasthenes probably shows that the last method was employed in the empire of Chandragupta Maurya. The Arthaśāstra describes an elaborate system of village registers and records which no doubt was the result of a long and unrecorded course of development, but we can only guess that it rested upon a basis of standard rates of assessment for known unit-areas, or in other words, that it involved the process of Measurement. In the dynastic records of subsequent times references are found from time to time to the employment of distinct standards of land-measure according to reeds (sub-divided into cubits) and wooden poles, but there is nothing to show what use was made of them for the purposes of assessment.

To judge from the available records the land-revenue in ancient times was most often fixed on the basis of a certain share of the produce. This is not only indicated by the terms *bhāga* and *bhāga-bhogakara* signifying the payments in kind by the cultivators, but also by the explicit references in the Smṛtis and in the Arthaśāstra and the testimony of foreign observers. As regards the specific amount of this share, the opinions of the Smṛtis are at variance, for while some are in favour of a uniform rate of $\frac{1}{6}$, others mention varying rates of $\frac{1}{6}$, $\frac{1}{8}$, and $\frac{1}{10}$ or $\frac{1}{12}$ depending obviously upon the differences

of soils and crops. In the popular tradition the rate of $\frac{1}{6}$ was accepted as the recognised standard of land-revenue assessment.[23] A uniform rate is also indicated in the few recorded historical instances, the demand being fixed at $\frac{1}{4}$ of the produce in the Maurya Empire and at $\frac{1}{6}$ in the time of Hiuen Tsang and under Pāla rule in Bengal

As regards the form in which the land-revenue was paid by the cultivators, we have seen how both the payments in kind and in cash occur simultaneously in the Smṛtis and the Arthaśāstra. Both may be traced with the help of the historical records over a large part of Northern India during the period from the fourth to the twelfth centuries of the Christian era. Of these two groups of payments the former occupied by far the more important position, while the latter seems to have been always of an exceptional character.[24] Quite distinct from these is the cash assessment of entire villages, to which an early reference is made in the Jātakas and which is illustrated by historical examples in Northern India in the ninth century and later. Cash payments are also mentioned in the records of the Chāhamānas of Marwar in the twelfth century. But the greatest advance in this respect was made in Bengal under the rule of the Senas. There we are introduced to cash assessments on lands at a specified standard rate for a definite unit-area.

The nomenclature of the two principal items of land-revenue just mentioned offers an interesting subject for study. *Hiraṇya* as a revenue term is found not only in the Smṛtis and the Arthaśāstra,

but with the help of the contemporary inscriptions it may be traced almost continuously over the greater part of Northern India from about the fourth to the twelfth century. As to the other item the Pali canonical literature which furnishes the oldest extant account of social conditions in Eastern India applies to the payment in kind the identical designation (*bali*) that is used in the Smṛtis. The inscriptions of Aśoka in the third century before Christ and of Rudradāman in the second century of the Christian era use the terminology of the Arthaśāstra, making *bhāga* and *bali* stand respectively for the payment in kind and the additional cesses. In the Gupta period and subsequent times other titles for the payment in kind came into use, such as *meya*, *dhānya*, and above all *bhāgabhogakara*, of which the last had by far the widest application.

We may next consider the point whether the ancient Indian agrarian system was of the Zemindari or the Raiyatwari type. To a certain extent this question is a misnomer, since the precise connotation of these terms together with the terminology is a creation of British rule. In a general sense, however, it may be said that so far as the scanty evidence enables us to judge, the Ancient Indian system had something in common with the latter type, but had little or no analogy with the former. To begin with the last point, frequent references are made in the records of the Rajput dynasties of ancient times to the Chiefs' estates, but nothing is known about their status except that the Chiefs had the right of granting religious endowments out of their estates. If, indeed, we

are to judge from the analogies of later times, the Chiefs probably were not liable to the land-revenue at all, but were bound only to contribute aids in time of war, the fees on succession and so forth. The assignees who held lands as remuneration for service are expressly excluded in the Arthaśāstra from the right of sale and mortgage, while the inscriptions recording the royal grant of endowments out of their lands probably show that they held their allotments at the pleasure of the Crown. On the other hand, within the territory directly administered by the king's revenue officers, or as we may call it, the Reserved tract, the State officers normally dealt with the individual cultivators. Testimony to this fact is furnished in the Arthaśāstra by the items included by the *gopa* in his register of dwelling-houses and in the inscriptions by the instances of royal conveyance of portions of villages along with the revenues arising therefrom to various individuals.

The historical records of Northern India show that along with the land-revenue paid by the cultivators, the king derived his income from what may be called his private lands. By the end of the fourth century before Christ, it seems, the royal farms let out to the cultivators on lease had become so important that according to one version of Megasthenes's description they formed the whole territory of the State. In the Arthaśāstra the produce of the royal farms forms a distinct head of revenue which is included in the general scheme of revenue classification, while detailed rules are laid down for the guidance of the Royal Steward in

charge of the same. Between the arrangements of the Arthaśāstra and the Mauryas there is this important difference that the latter, besides engaging cultivators on terms more advantageous to the State, abandoned the method of direct management of the farms that is known to the former. In the dynastic records of Northern India from the Gupta period onwards frequent references are found, as the terms *udranga* and *uparikara* of the inscriptions testify, to the State-owned lands in the villages.

In Western and Southern India the oldest epigraphic records belonging to the early centuries of the Christian era acquaint us with royal allotments or farms in the villages, which were generally leased out to cultivators, but they are silent about a land-revenue properly so called. The first distinct indication of this branch of revenue is found in this region in some records of the fourth century belonging to the Vākāṭakas of the Deccan. These facts strikingly corroborate a hypothesis formed long ago by Baden-Powell[25] on the basis of his observation of existing land-tenures in Coorg and in Chota Nagpore. According to this theory the Dravidian land-system was distinguished from the Aryan by the fact that in the former the king originally received only the produce of his farms in the villages, to which was only afterwards added the customary grain-share from nearly all village lands.

We shall conclude this lecture with an estimate of the economic consequences of the system that we have been attempting to describe so far. The Arthaśāstra shows a thorough grasp of the essential

principles of agricultural development, and the slight notices in the Smṛtis and connected works, as far as they go, are completely in accord with it. Such ideas evidently formed part and parcel of a general administrative tradition. At the same time the environment, so far as the materials enable us to judge, was normally favourable for their fruition. As the State dealt most often directly with the cultivators, it was in a position to work out its policy unhampered by the existence of a class of middlemen. The remarkably moderate extent of the revenue-demand, amounting ordinarily to no more than $\frac{1}{6}$ of the produce, however much it might be supplemented by cesses and other extra charges, could not lead to a condition when the whole economic rent was swept away into the king's treasury.[26] In certain circumstances, it is true, the rules permit the supersession of the cultivators, and these may have occasionally been followed in actual practice. But the cultivators appear to have normally enjoyed the privilege of security of their tenures. If, then, the ancient records sometimes refer to oppressive burdens of the land-revenue and other charges,[27] it can be said with truth that the glimpses which the observations of the foreign travellers furnish into the actual condition of the people generally indicate a happy and contented peasantry.[28]

LECTURE V.

Ownership of the Soil in Ancient India—the Question of Private or State Ownership.

In the oldest stages of human association, the hunting and the pastoral, land could not for obvious reasons form the subject of appropriation. Even after the transition to the agricultural stage, cultivation was at first of a shifting character, and accordingly the arable land (as distinguished from the homestead) was held only in temporary possession. Afterwards, with the application of intensive methods of cultivation and the growing scarcity of land, this primitive kind of possession was converted into a permanent right of property.[1] Now it is this relatively advanced stage of social evolution that the Vedic Aryans are found to occupy at the dawn of their history. Regarding the early forms of property in land, while the view made classical by Sir Henry Maine and Emile de Laveleye[2] maintained the collective ownership of land to have preceded the individual ownership, it was authoritatively held in later times[3] that individual ownership was the oldest form of property, while very recently it has been argued[4] that the complex conditions of primitive communities preclude the fixing of convenient labels like

'communistic' and 'individualistic' to their idea of property. Whatever that may be, the evidence of the Ṛg-Veda Saṁhitā shows that among the Indo-Aryans at any rate the arable land was held in individual or in family ownership, while communal ownership was probably confined only to the grass-lands lying on the boundaries of the fields.[5] Thus in one case a maiden describes her father's field along with the hair on his head as his personal possession. Reference is made in another connection to the measurement of a field. Lastly, we have the significant title of a deity called *kṣetrasya pati* ('Lord of the field') meaning probably the god presiding over each field.

It thus appears that the private ownership of land was an established institution among the Indo-Aryans in the oldest times to which their history can be traced. The immediately following period was attended, doubtless in connection with the advance of the royal power during its course,[6] with some remarkable developments of the king's prerogative over the soil. From this stand-point the statement of the Śatapatha Brāhmaṇa,[7] namely, that every one here is fit to be eaten by the king except the Brāhmaṇa, is not of much significance, since it only embodies in a nut-shell the view that the royal contributions from the subjects which were at first probably fitful in their character had by this time become a general burden devolving upon nearly all classes of the people. Of greater importance is the oft-quoted passage of the Aitareya Brāhmaṇa[8] declaring the Vaiśya from the point of view of the

Kṣatriya ' to be tributary to another, to be lived on by another, to be oppressed at will.'[8a] These striking phrases doubtless signify that the ruler's claim of taxing the masses of free-men was limited only by his own will, but there is nothing in them to indicate the king's ownership of the soil as distinct from his political superiority.[9] Finally we may mention a text of the Śatapatha Brāhmaṇa[10] which states that to whomsoever the Kṣatriya with the approval of the people or clan (*viś*) grants a settlement, that is properly given. This passage, evidently, refers to the public land of the folk or the State, and it seems to mean that while the king's gift of such land with the consent of the people was in accordance with the tribal or customary law, it was sometimes arbitrarily disposed of by the sole authority of the ruler. It is possible that originally in the period of the Ṛg-Veda the king could deal with the public land only with the sanction of the tribal assembly, but afterwards during the times of the later Saṁhitās and the Brāhmaṇas the advance of the king's power had resulted in such land being looked upon as lying to some extent at the disposal of the Crown.[10a] The natural consequence of such development would be eventually to reduce the public lands to the condition of the king's private estates. But this step which seems to have been completed by the time of the Arthaśāstra was not reached in the period of the Brāhmaṇas.[10b]

When we seek to pursue the developments of the ideas and institutions relating to the property in land after the early Vedic period, we have to turn to the

chapters and sections of the Arthaśāstra, the Smṛtis and connected works, dealing with the branches of civil and criminal law (*vyavahāra*). Of the bodies of customary law, which no doubt were in vogue in large parts of the country in ancient times and to which occasional reference is made in the Brāhmaṇical works themselves,[11] hardly any trace has survived down to our own times. In these circumstances we have no other alternative than to depend almost entirely upon the evidence of the Brāhmaṇical Sacred Law just mentioned, supplementing it where possible with the data of the historical records.

The concept of ownership both as regards movables and immovables is known to the Brāhmaṇical Sacred Law from early times. A remarkable feature of the Brāhmaṇical law is that unlike, *e.g.*, the Germanic private law which it resembles in some respects, it distinguishes from the first even in respect of terminology the idea of ownership from that of restricted real rights. Thus ownership is indicated by the pronoun *svam* and the abstract terms *svatva*, *svāmya*, *svāmitva* and so forth, while possession is usually indicated by the verb *bhuj* ('to enjoy') and its derivatives.[12] The basis of property in land is indicated by the well-known and oft-quoted maxim of Manu[13] given in support of his rule relating to the right to the issue begotten on a woman by a man other than her husband. We are here introduced to an old saying of 'the sages who know the past' (*pūrvavidaḥ*), that the earth (*pṛthivī*) is the wife of King Pṛthu, although, as the commentators point out, she was afterwards possessed by many kings.

We are further told that the field belongs to him who first removed the weed, and the deer belongs to him who first wounded it. These maxims which evidently go back to a great antiquity imply, it is true, not a permanent right of ownership, but mere possession.[14] But their great importance lies in the fact that they distinctly recognize the right of first clearing as constituting the original title to the land.

In the later Smṛtis the insufficiency of mere possession is again and again emphasised. According to Yājñavalkya[15] possession (*bhoga*) acquires validity when it is accompanied by a clear title (*āgamena viśuddhena*), and is not valid without the same. According to Bṛhaspati[16] possession becomes valid when it is coupled with legitimate title (*sāgamaḥ*). In the opinion of Nārada[17] the man who takes refuge only in the plea of possession but cannot show his title resembles a thief. According to Vyāsa[18] and Pitāmaha[19] the five elements of a good possession are that it should have a good title, should be of long standing, should be continuous, should be free from protest and should be enjoyed before the very eyes of the defendant.[20]

Finally, we may mention that the authors of the great mediæval Digests of the Sacred Law evidently have a very clear notion of the concept of ownership. Thus according to Jīmūtavāhana, the famous author of the Dāyabhāga, who flourished in the 15th century, ownership implies the quality in the object owned of being used by the owner according to his pleasure.[21] According to Nīlakaṇṭha, the

author of the important Smṛti Digest called the Vyavahāramayūkha, who lived in the 17th century, ownership (*svatva*) is a special capacity produced by purchase, acceptance and the like.[22] More specific is the view of Mitramiśra, also of the 17th century, who observes that ownership is an attribute indicative of the quality in the object owned of being used according to pleasure.[23]

Reverting to the ancient authorities on the Sacred Law, we shall now try to analyse the attributes that were associated with their idea of ownership. Some light is thrown upon this point by their description of the modes of acquiring property. According to Gautama[24] a person becomes owner (*svāmī*) by means of inheritance, purchase, partition, acceptance and finding. Manu mentions[25] seven lawful modes of acquiring wealth (*vittāgama*), namely, inheritance, finding (otherwise explained as friendly donation), purchase, conquest, lending at interest (or teaching according to an alternative explanation), performance of work (or alternatively, ' sacrificing for others ') and acceptance of gift from the virtuous. Nārada declares[26] the six methods of acquiring wealth (*dhanāgama*) to consist of inheritance (or finding), gift, purchase, the reward of valour, the dowry of marriage and what is acquired from kinsmen without issue. According to Bṛhaspati[27] immovable property is acquired (*āpyate*) in seven ways, namely, by learning, by purchase and mortgage, by valour, by marriage, by inheritance, and by succession to the property of kinsmen without issue.

In the above it will be noticed that while some authorities have in view the ownership of things, others refer only to the more general idea of their acquisition. Nevertheless they imply in either case the association of the essential qualities of ownership (namely, sale, gift and bequest) with the possession of property. These attributes are also illustrated by numerous clauses and provisions of the law to which we now have to turn. For damage caused to his field by negligent herdsmen in charge of cattle, the 'owner' (*kṣetrika*) is entitled to compensation, besides which fines are payable to the king.[28] The theft of fields is declared as well in the Smṛtis as in the Arthaśāstra to be a penal offence.[29] Besides this, the theft of land (including fields) is branded as a great sin in the section of the Smṛtis relating to penances.[30] Above all, the Smṛti as well as the Arthaśāstra Law permits the sale, gift, and mortgage of land (with a few restrictions in some cases) in the clearest terms. This may be illustrated by the following examples. Both Gautama[31] and Baudhāyana[32] include land in a list of objects that may be properly given away. Gautama, it is true, while mentioning the occupations of different castes in times of distress, quotes[33] the opinion of some who held land to be a forbidden article of traffic (*apaṇya*) for distressed Brāhmaṇas. But this restriction, which evidently was not universally accepted even in Gautama's time, was entirely done away with in the later Smṛtis.[34] Manu's rule[35] declaring a Brāhmaṇa's acceptance of unprepared fields to be less blameable than that of prepared fields shows that the

gift of both classes of land was known in his time. A special branch of law in the Arthaśāstra permits the sale of immovable property (*vāstu*) subject to the restriction that kinsmen are to have preference over neighbours and these again over the creditors, while outsiders should come last.[36] In this connection a definite procedure is laid down for the sale of homestead lands as well as fields, gardens, irrigation-works and embanked reservoirs. In the same context the Arthaśāstra lays down the rule that tax-payers and the Brāhmaṇa holders of revenue-free lands (*brahmadeyikas*) should sell or mortgage only to their respective classes,[37] this provision being doubtless intended to safeguard the interests of the royal treasury against fraudulent transfers. The Arthaśāstra also allows full rights of sale and mortgage to the founders and restorers of irrigation works (*setu*).[38] The right of sale is also conceded by Bṛhaspati and Nārada[39] who declare both movable (*jaṅgama*) and immovable (*sthāvara*) property to be vendible commodities (*paṇya*). It is interesting to remark in this connection that two of Bṛhaspati's seven classes of legal documents are concerned with the gift and sale of landed property.[40] The Smṛtis[41] mention two kinds of pledges (*ādhi*), namely, usable (*bhogya*, *sopakāra*, etc.) and unusable (*gopya*), of which the former comprises lands, houses and so forth. The lease of fields is implied by the rule of Āpastamba, Vyāsa and Bṛhaspati entitling the owner of a field to compensation for loss caused by an incoming tenant.[42] The Arthaśāstra refers not only to the lease of dwelling-houses,[43] but also

that of wells, rivers, tanks, rice-fields and gardens.[44]

From a careful consideration of the foregoing facts it will appear that the system of the Brāhmaṇical law not only has a clear notion of the concept of ownership in general, but it also refers to the essential qualities and attributes of private ownership of land. Such ideas and notions evidently gathered force and strength from the fact that institution of private property went back to the oldest times to which the history of the Indo-Aryans can be traced. It remains for us to show that the references in the general literature and in the inscriptions, as far as they go, are entirely in agreement with the evidence of the Sacred Law. In the Pali canonical literature which may be taken roughly to reflect the conditions in Eastern India from the 5th to the 4th century B.C., we have several instances of private donations of lands to the Buddhist order. Among such examples may be mentioned the donations of pleasure-gardens by the physician Jīvaka at Rājagṛha, by the courtesan Ambapāli at Vaiśāli and above all by the merchant Sudatta (surnamed Anāthapiṇḍika) at Śrāvastī.[45] In the last-named example the garden is granted by the donor after purchase from Prince Jeta, thus furnishing an instance of a double process of private transfer. Reference may be made in this connection to a Jātaka story[46] which mentions how a Brāhmaṇa of the Magadha country gave a portion of his cultivated field to another. It is also not without significance that the Pali works sometimes[47] refer to the owners of fields (*khettasāmika*). Turning to the

evidence of the inscriptions, we have two records of private transfers of land in the region of Western India during the early centuries of the Christian era when the country was ruled by the Kṣaharātas and the Śātavāhanas. In the one case[48] Dharmanandin, son of a Buddhist lay-worshipper (*upāsaka*), gave away a field for the benefit of some ascetics living in one of the Nasik caves. In the other instance[49] Usavadāta, son-in-law of the Satrap Nahapāna, purchased from a Brāhmaṇa for three thousand coins (*kārṣāpaṇas*) a field formerly belonging to the Brāhmaṇa's father. We may next refer to two records[50] belonging to the Kangra district of the Punjab which bear a date corresponding to 804 A.C. These mention a number of donations made in favour of a Śivite temple, among which are comprised the following gifts made by private individuals :—

1. Half a plough of land in a certain village which was given by a Brāhmaṇa,
2. A plough of land given by a merchant for the court-yard of the temple,
3. Four ploughs of land in a certain village that were given by the two merchants who built the temple.

Of much greater, not to say unique, importance are two records of the time of the Gurjara-Pratihāra Emperors of Kanouj, which relate to the gift of lands by town corporations. In the first which is dated $\frac{933 \text{ V. S.}}{876 \text{ A. C.}}$ and is concerned with the ancient

town of Gopādri (modern Gwalior)[51] the whole town (*samastasthāna*) makes a gift of a piece of land (*bhūmikhaṇḍa*) in one village and two fields (*kṣetra*) in another in favour of certain temples, and both the villages are expressly declared to be in its own possession (*svabhujyamāna*). As the fields are said to be cultivated by named persons at the time of the grant, we have here an instance of leases by public bodies. In the other record[52] which is the well-known Siyadoni inscription we are told in the course of a long list of private donations in favour of temples that in $\frac{960 \text{ V. S.}}{904 \text{ A. C.}}$ the whole town (*sakalasthāna*) made a gift of a field of which the length and breadth are specified according to the current *hasta* measure.

In connection with the private donations of lands above-mentioned it might be argued that they belonged largely, if not wholly, to the class of Assignments granted by kings with full rights of alienation, and not to the category of lands held independently by private owners. Some support is given to this supposition by the fact that the donors in some of the above instances belong to those very classes to whom grants or assignments of land were habitually made by the ruling authorities in ancient times, namely, the Brāhmaṇas and the officials. On the other hand, it will be observed that other donations are made by professional classes and even by corporations. On the whole it seems reasonable to hold, specially in view of the express rule of the Smṛtis and the Arthaśāstra permitting the sale and gift of land, that the donors in the above cases were at least in some instances original owners of the soil.

A word may be said in the present place about the status of the cultivators of the soil in the clan-monarchies of the type afterwards prevalent in Rajputana, which we have traced back in an earlier lecture to the period of the Gurjara-Pratihāras. To judge from the strong sense of proprietary right that has survived among the peasantry in some Rajput States down to our own times,[53] it may reasonably be concluded that the same right was claimed by their predecessors in the clan-monarchies of earlier times. On the other hand, there is little doubt that the Chiefs' allotments were not hereditary, but were granted to the individual possessors perhaps for life. This is shown not only by later instances from the history of the Rajput States,[54] but also by the significant fact that such allotments as a rule are described in the numerous land-grants that we have analysed as being in the donor's own possession, and not as being handed down from his ancestors.[55]

We have now traced with the help of the legal literature as well as the historical records the development of the concept of private ownership of land after the period of the Vedic Saṁhitās and the Brāhmaṇas. Let us now turn to the parallel concept of the king's prerogative over the soil, of which the foundations were laid likewise in the early Vedic period. Beginning our account with the Arthaśāstra which, as usual, alone treats the subject with completeness, we find that although it does not endorse in the fashion of the Aitareya Brāhmaṇa the king's unlimited claim of taxing the cultivators, it mentions

certain special rights exercised by him over the revenue-paying peasantry (*karadas*). Thus the king, as has been mentioned elsewhere,[56] is entitled in the case of colonized lands to evict those who have neglected to cultivate their fields. Again, in times of grave emergency the king's officers are permitted as a last resource to raise funds from the cultivators by the compulsory raising of a second crop from the fields. In the second place the Arthaśāstra introduces us to royal farms in connection with its classification of the heads of revenue.[57] Considering how a passage of the Śatapatha Brāhmaṇa already mentioned apparently hints at the arbitrary disposal of tribal lands by the kings,[58] it is tempting to suggest that such lands in course of time were converted into the private estates of the Crown, and to identify these last with the royal farms of the Arthaśāstra. Whatever that may be, the above reference makes it clear that considerable tracts of agricultural land in the time of the Arthaśāstra were owned by the State. Above all the Arthaśāstra attributes to the king certain specific rights over land, which may be conveniently classified as follows :—

1. Right over the unoccupied waste, comprising both the cultivable and the barren land.[59] The Arthaśāstra, as we have mentioned elsewhere, lays down elaborate rules for the settlement of new, or old but since deserted, tracts of country,

2. Right over waters. According to the Arthaśāstra the king is the owner of fish, aquatic animals and green vegetables from irrigation-works (*setu*), in so far as these form articles of merchandise,[60]

3. Right over mines. In the Arthaśāstra mines (including salt-works) are held to be a State monopoly, and they are required to be worked directly by the State officers or else let out on lease,[61]

4. Right over forests. In the Arthaśāstra forests form an independent head of revenue comprising three distinct branches, namely, those meant for game, for useful products of various kinds and for the rearing of elephants,[62]

5. Right to the treasure-trove (*nidhi*). The Arthaśāstra includes treasure-trove in a list of royal receipts, while it lays down elaborate rules relating to the acquisition of the same by the king.[63]

The Smṛtis contain few specific references to the royal rights over land. Like the Arthaśāstra they contemplate the treasure-trove in general as belonging to the king.[64] Viṣṇu like Kauṭilya contemplates the mines as being a Government monopoly, but other authorities require the mines to be worked by private agency subject to the payment of a tax.[65] A

special jurisdiction over the revenue-paying cultivators is suggested by a rule of Manu[66] according to which the cultivator who allows his crops to be destroyed through his own fault is liable to ten or five times the value of the government revenue (*bhāga*). Of a more general character is the right claimed for the king in a passage of Bṛhaspati,[67] namely, that of transferring lands in certain circumstances from one individual owner to another. In this passage Bṛhaspati, while treating the case of land which is taken away from one village and added to another by the action of a great river or of the king, first declares that the land so given belongs to him who receives it. For, as he says, fate as well as the action of kings rules the lives and fortunes of men, and hence what is done by them should not be transgressed. In the immediately following lines, however, Bṛhaspati considerably modifies his position, for he says that what is done by the king out of anger or greed or trickery and what is given to another out of undue favour should not be given effect to, while what is taken away by the king from one possessing the land without a title and is given to another of superior merit should not be transgressed.

The historical records of Northern India, fragmentary and imperfect as they are, illustrate from time to time the king's prerogatives with reference to the land, which, so far as they go, agree with the evidence of the Smṛtis and the Arthaśāstra. References to the royal farms or allotments in the villages which were often let out to tenants are to be found, as we have seen, in the extant records of the Mauryas,

the Guptas, the Pālas, the Paramāras, and other dynasties of Northern India.[68] The clauses of the land-grants dating from the time of the Śātavāhanas frequently show that the Government claimed the monopoly of salt.[69] The Gupta inscriptions in North Bengal show that in Eastern India the Government claimed the right of disposing of the waste lands during the fifth and sixth centuries,[70] while the inscription of Lokanātha in the early part of the 7th century points to the State ownership of forests in the region of Eastern Bengal.[71] It may also be mentioned in this connexion that the formulæ of the land grants assigning the treasures and deposits to the donee show that treasure-trove was generally held to belong to the king.

A careful consideration of the above facts leaves no room for doubt that they do not amount to royal or State ownership of the soil.[71a] Alike in the Arthaśāstra and in the historical records the king's private estates are sharply distinguished from the general mass of agricultural lands which are charged with the burden of the land-revenue and attendant cesses.[72] The king's claim to supersede or fine negligent cultivators and to enforce the cultivation of a second crop in emergencies is to be connected with his sovereign authority, and not with his proprietary right, for, as we have seen above, private ownership of land in its essential features is recognised by our authorities.[72a] The apparently sweeping rule of Bṛhaspati is explained by the author in such a fashion as explicitly to deny the king the right of arbitrary transfer of the villagers' holdings.

Finally, it may be mentioned that the group of the king's specific rights in relation to the land has its parallel in the regalian rights of the sovereign in the European States of the Middle Ages, and like the latter it doubtless served only to restrict the full exercise of the rights of the private owners.[73]

We are now in a position to understand the true significance of some famous texts of the ancient authorities imputing to the king in unequivocal terms the lordship of the soil. We begin with Manu who justifies[74] the king's levy of one-half of ancient hoards and of metals found underground by declaring that the king is the lord of the soil (*bhumer-adhipatir-hi saḥ*).[74a] The meaning of the last clause is explained in the clearest terms by the famous commentator Medhātithi who says that the king is the lord (*prabhu*) of the soil, and should get a share of that which is produced from the land belonging to him (*tadīyāyā bhuvo yallabdham tatra yuktam tasya bhāgadānam*). Of a similar nature is the text quoted by Bhaṭṭasvāmin (apparently from a Smṛti work) in course of his commentary on a rule of the Arthaśāstra requiring the cultivators on the king's farms to pay water-rates of varying amounts for irrigation. "By those versed in the sacred books," so runs this text,[75] "the king is declared to be the lord (*pati*) of land as well as water: with regard to other things the house-holders (*kutumbin*) have the right of ownership (*svāmya*)." More elaborate, as involving not only the king's lordship of the soil, but also his constructive lordship over his subjects, is the view of Kātyāyana.[76] The king, we were told, has

always been declared to be the lord (*svāmin*) of the soil and not of other things, for otherwise, (that is, as the commentator Mitramiśra explains, in the event of absence of the lordship of the soil), he would not receive $\frac{1}{6}$ of the resulting product. Since the creatures inhabit the land, Kātyāyana goes on, the king is also declared thereby to be their lord, and thus he acquires the right to the agricultural tax (*bali*) arising from their action.[77] With the trend of these doctrines agree the views, whether implied or expressed, of the foreign observers dating from the fourth century B.C. to the seventh century A.C. Thus Megasthenes, according to the two principal versions in which this part of his account has come down to us, declares unequivocally that the whole land in India was the property of the Crown. Again, Fa Hian at the beginning of the fifth century, and Hiuen Tsang in the second quarter of the seventh, used the significant expression 'royal land' for the whole territory of the State. This may be taken to imply that as in contemporary China the State in India was held to be the owner of the soil.[78]

The above statements of the authorities on Law and Polity have been authoritatively held[79] to establish the position that the land in Ancient India was owned in fact by the king. We may, however, well doubt the correctness of this view without repeating the evidence from the Sacred Law and the historical records given above. For, in the first place, the statements are laid down not as definite heads of law, but as arguments for justifying or explaining the king's right to levy specific branches of the revenue from

land. They are, in other words, essentially of the nature of legal maxims in whose general and comprehensive character they fully share. How inconclusive the doctrine of the king's ownership of the soil is even in the eyes of the authorities concerned, will best appear from one of the examples abovementioned. In the text of Manu declaring the king to be the lord of the soil, he is constrained to refer to the traditional view of the taxes being the king's fee for protection as an additional argument for supporting his case, while he advances on behalf of the Brāhmaṇas in the same context the still more sweeping claim to be 'the owners of everything,' a claim which indeed goes back to the period of the later Saṁhitās. As regards the opinion of the foreign observers on the present point, it may be said that Megasthenes's statement has not obtained much credence even from those who believe in the State ownership of the soil in Ancient India, while the testimony of the Chinese pilgrims is only implicit in its character. Perhaps the sole importance of the foreign notices lies in the fact that they definitely fix the periods of time during which the doctrine of the king's ownership of the soil was known in ancient times.

By far the clearest exposition of the question regarding the ownership of the soil in ancient times is found in the works on Mīmāṁsā which go back probably to the fifth century of the Christian era, and extend far down into the mediæval period. The starting-point of the problem is the well-known passage of Jaimini's Mīmāṁsā-sūtras which states

that the land is not to be given because it is common to all.[80] This is stated in the course of a discussion as to the things that may be given away as sacrificial fee at the *Viśvajit* sacrifice where the sacrificer is required to give away all his belongings. Commenting on this text Śavara (*c.* fifth century A.C.) formulates a number of principles which were destined to be extended by other Mīmāṁsā writers in subsequent times. Men enjoy lordship, he says, with respect to fields, but not with regard to the whole earth. The paramount ruler (*sārvabhauma*) is in this respect on the same footing as other men, the only difference between them being that he is entitled over and above to a certain share as his remuneration (*nirviṣṭa*) for protecting the rice and other crops. He is, however, not the lord of the soil (*bhūmi*).[81] This important extract clearly distinguishes between the State lands and the private lands on the ground that the former unlike the latter are incapable of being owned by anybody. Moreover, it carefully analyses the essential quality of sovereignty which is held to involve the levy of taxes as the price of protection but not ownership. A passing reference to these ideas is found in a passage of the famous commentary on the Manusaṁhitā by Medhātithi (*c.* ninth century), where he discusses the question whether land is capable of being given or taken away.[82] The next important reference is found in the *Nyāyamālāvistara*, a commentary on the Mīmāṁsā-sūtras from the pen of the renowned Mādhava (fl. fourteenth century). His commentary on the above-named *sūtra* of Jaimini may be sum-

marised as follows. To the argument that the king might give away the State territory (*mahābhūmi*), he replies that it is not his property (*svam*) because protection of the kingdom involves sovereignty (*rājya*). Again, he conjures up the argument that the paramount ruler can give away the State territory because in accordance with the maxim of Gautama Dharmaśāstra the land is his property (*dhana*). To this he replies in the following way. The Smṛti text, he says, means that the king's lordship exists for suppressing the wicked and supporting the virtuous: land is not the king's property (*dhana*) but the common property (*sādhāraṇam dhanam*) of all creatures living thereon; hence although private (*asādhāraṇa*) land can be given away, there can be no gift of the State land.[83] Here, it will be observed, the State land is distinguished from private land on the ground of its being incapable of individual ownership. Moreover the essential quality of sovereignty is explained as before to mean solely the exercise of the functions of Government. Next we come to Khaṇḍadeva (fl. first half of the seventeenth century), who wrote an important commentary on the Mīmāṁsā-sūtras called the Bhāṭṭadīpikā. In this work he thus comments on the Sūtra of Jaimini above-mentioned. In reply to an argument that the State land (*mahābhūmi*) can be given away by the paramount ruler because it is his property (*dhana*), it is stated that even the paramount ruler has no proprietary right (*svatva*) over this land. For conquest even produces proprietary right only with regard to movables and immovables

owned by the enemy (*śatrusvāmika*), while in so far as the State land is concerned it produces only the title of sovereignty (*rājya*). Now sovereignty consists only in protecting one's own kingdom and rooting out the thorns and for this purpose the collection of taxes from cultivators and fines from offenders, but no proprietary right to the land arises therefrom. When, however, property is acquired by purchase and so forth, it may certainly become an object of gift.[84] In the above passage it will be noticed, the ideas of the earlier Mīmāṁsā writers are expressed in the clearest terms. In so far as the State land is concerned, it is now clearly stated that the king is entitled only to sovereignty, while his proprietary right extends only to the specific possessions that he acquires by conquest, by purchase and so forth. These ideas are practically paraphrased by Nīlakaṇṭha (*c.* latter half of the seventeenth century) in his Vyavahāramayūkha[85] which forms the legal section of his voluminous Digest called the Bhagavantabhāskara. He treats this point in the course of a discussion of the text of Gautama relating to the sources of ownership. In so far as the Kṣatriya's sources of ownership are concerned, he observes that even conquest produces proprietary right only in respect of the movables and immovables belonging to the conquered. Where the conquered has only the right of taking the taxes, that only is acquired by the conqueror, and not the ownership. Proprietary right with regard to the villages, fields and so forth, Nīlakaṇṭha goes on, belongs to their respective possessors (*bhaumika*),

and the king is entitled only to take the taxes. Therefore what is now technically called the gift of fields and so forth, the author states, amounts not to the gift of the land, but to the provision of allowances for subsistence. When, however, the houses, fields and so forth are purchased from the possessors, proprietary right certainly arises therein. Thus the king acquires thereby the merit of a real gift of land.

ABBREVIATIONS

Ap.	Āpastamba Dharmasūtra.
Baudh.	Baudhāyana Dharmasūtra.
Bṛh.	Bṛhaspati Smṛti.
CHI.	Cambridge History of India, Vol. I.
Dhp. Commy.	Dhammapada Commentary, P.T.S. ed.
DN.	Dīgha Nikāya.
EB.	Encyclopædia Britannica.
EI.	Epigraphia Indica.
Gaut.	Gautama Dharmaśāstra.
GI.	Corpus Inscriptionum Indicarum, Vol. III.—Inscriptions of the Early Gupta Kings and their Successors. By J. F. Fleet.
GIP.	Geschichte der indischen Litteratur. Von Dr. M. Winternitz.
HPT.	A History of Hindu Political Theories. By U. N. Ghoshal.
HRS	Contributions to the History of the Hindu Revenue System. By U. N. Ghoshal.
IA.	Indian Antiquary.
IHQ.	Indian Historical Quarterly, ed. Narendranath Law.
JASB.	Journal of the Asiatic Society of Bengal.
Jāt.	Jātaka Commentary (ed. Fausböll).
Nār.	Nārada Smṛti.
ŚB.	Śatapatha Brāhmaṇa.
SBE.	Sacred Books of the East Series.
SMC.	Smṛtichandrikā, Vyavahārakāṇḍam, Pt. I, ed. L. Śrīnivisāchārya, Mysore, 1914.
TS.	Taittirīya Saṁhitā.
Yāj.	Yājñavalkya Smṛti.
VAS.	Vasiṣṭha Dharmasūtra.
Vi.	Viṣṇu Smṛti.
VI.	Vedic Index of Names and Subjects. By A. A. MacDonell and A. B. Keith.
VVM.	Vyavahāramayūkha of Bhaṭṭa Nīlakaṇṭha, ed. P. V. Kane, Bombay, 1926.

NOTES

LECTURE I.

[1] *Cf.* Hermann Hirt, *Die Indogermanen* I, 251 ff.; Otto Schrader, *Reallexikon der Indogermanischen Altertumskunde, s.v. Ackerbau, Familie, Stamm, Viehzucht;* V. Gordon Childe, *The Aryans*, pp. 82-84; Vinogradoff, *Outlines of Historical Jurisprudence*, Vol. I, pp. 220 ff.

[2] See VI, s.v. *Dāsa* for references. *Cf.* CHI, p. 86.

[3] *Cf.* CHI, pp. 99-100. Also see the list of agricultural terms in English Index of VI (*ibid*, Vol. II, p. 571).

[4] *Cf.* VI, s.v. *Grāma Jana, Viś;* CHI, p. 91. All these terms bear a perplexing variety of senses. For the meaning of *grāma*, see VI, s.v. *Grāma* and *Jana*, and CHI, *loc. cit.*, where reasons are shown for rejecting the older view of Zimmer (*Altindisches Leben*, pp. 159-160), namely that the *Grāma* was a clan standing midway between the family and the tribe.

[5] For some typical views regarding the oldest type of the Indian village derived from experience of modern land-tenures, compare the following. According to C. L. Tupper (*Punjab Customary Law*, Vol. II, Introduction) the Punjab tribal customs completely corroborate the conclusions of Maine and de Laveleye that collective property preceded several ownership. In particular, he thinks that the zemindari, the *paṭṭidāri*, and *bhāiāchāra* villages of the Punjab represent the successive stages in the evolution of the village. On the other hand Baden-Powell (*Indian Village Community*) holds that in India the village of separate holdings preceded and did not follow the type of the joint village. Recently Professor Vinogradoff (*op. cit.*, pp. 325-326) has set forth the view that of the three types of villages known to Modern India, namely, the *rāiyatwāri*,

the *zemindāri* and the *paṭṭidāri*, the last alone bears the stamp of the greatest antiquity.

[6] See VI, s.v. *urvarā* and *kṣetra* (meaning 'ploughland') and *khila* or *khilya* ('grass-land' lying on the boundaries of the plough-lands). Also compare CHI, p. 90.

[7] See VI, s.v. *Rājan*, and CHI, pp. 94-95, 98.

[8] See CHI, pp. 96-97, p. 130.

[9] See VI, s.v. *Ratnin* and *Grāmaṇī; cf.* CHI, pp. 91, 130-131.

[10] In the Vedic Saṁhitās and the Brāhmaṇas *bali* is used in the sense of (*a*) contributions paid by the subjects to the king, (*b*) tribute paid by the conquered enemies, and (*c*) offerings made to the gods. *Cf.* VI, s.v. *bali*.

[11] *Cf.* HRS, pp. 4, 5, 8.

[12] Atharva Veda, IV, 22. *Cf.* HRS, p. 6.

[13] *Ibid*, III, 29. *Cf.* HRS, p. 5.

[14] TS, II, 1, 1, 2.

[15] *Ibid*, 1, 3, 2.

[16] *Ibid*, 3, 9, 2.

[17] SB, XIII, 7, 1, 15, Eggeling's tr. (SBE, Vol. 44, pp. 420-421).

[18] *Cf.* HRS, pp. 13-14.

[19] For the important reference to the *gaṇa* or republican type of constitution in the Mahābhārata, see *ibid*, XII, 107.

[20] *Cf.* HRS, pp. 149-150.

[21] See HRS, pp. 44, 152.

[22] See HRS, p. 58.

[23] For explanation and references, see HRS, pp. 59-62.

[24] *Ibid*, pp. 59-60, 64-65.

[25] See HRS, p. 58, for reference.

[26] See *ibid*, p. 59.

[27] For discussion of this point with references, see *ibid*, pp. 132 and *n*.

[28] See HRS, p. 133.

[29] Rām. II, 100 and Mahā. II, 5.

[30] Yāj. I, 378.

[31] See HRS, pp. 158-159, for reference.

[32] Rām. II, 100, 32-33; Mahā, II, 5, 48-49.

[33] *Cf.* HPT, pp. 80-81.

[34] See HRS, pp. 27 ff., for reference.

[35] See HRS, pp. 29-34, for a full account of the subject.

[36] *Cf. ibid*, p. 32.

[37] For definition and references see W. H. Moreland, *The Agrarian System of Moslem India*, pp. 8, 140-141.

[38] Reference in HRS, pp. 30-31, 33.

[39] *Cf. ibid*, p. 33.

[40] See HRS, pp. 34-40, for full account with references.

[41] See *ibid*, pp. 46-53.

[42] The term ' Measurement ' is used in the text in the same technical sense as in Moreland, p. 7.

[43] *Cf.* HRS, p. 35. To the references there given add the following passages from Arthaśāstra, II, 8:—' *Pūrvam siddham paśchādavatāritam*,' ' *paśchāt siddham pūrvamavatāritam*,' and ' *anyatsiddham anyatkṛtam*,' which according to the commentator refer to different rates of assessment for different crops.

[44] See HRS, pp. 125-128 for full account with reference.

[45] See *ibid*, pp. 48-51.

[46] For reference see HRS, p. 37.

[47] II, 8.

[48] II, 1.

[49] *Ekapuruṣikam* in the original. This is here translated as ' for one generation ' on the analogy of the terms *pauruṣī, dvipauruṣī and tripauruṣī, bhukti* in the Smṛtis, meaning ' possession for one, two and three, generations ' respectively. *Cf.* Jolly, *Recht und Sitte*, Eng. tr., p. 201.

[50] See HRS, p. 53, for reference.

[51] The reference is to the phrase *rājñaścha patnīputrāṇām ratnabhūmilābham* in Arthaśāstra, II, 7.

[52] The reference is to the preceding phrase *rājopajīvināṁ pragraha-pradeśa-bhoga-parihāra-bhakta-vetana-lābham* where *pradeśa* is translated in the sense of allotment and *bhoga* in the sense of usufruct in Meyer's German tr. of the work.

[53] *Cf.* HRS, p. 45.

[54] See HRS, p. 46, for full description with reference.

[55] See *ibid*, pp. 45-46, for a fuller consideration of this point.

[56] See *ibid*, pp. 154-156, for full description and reference.

[57] Arthaśāstra, V, 3.

[58] See *ibid*, III, 10, for reference.

[59] See HRS, pp. 66-67.

LECTURE II.

[1] See PTS Dictionary, s.v. *bali* and *cf.* Fick, *Die Sociale Gliederung* (Eng. tr., p. 116).

[2] *Cf.* Jāt, Vol. III, p. 9, which mentions how a king, in order to induce his unknown benefactor to come to court, enhanced the *bali* three times in succession upon the village where the latter resided, with the result that his fellow-villagers persuaded him to see the king for remission of the tax.

[3] In the canonical story of the creation of kingship (DN, Vol. III, pp. 84-96) the people agree to pay to King 'Great Elect' one-sixth of the produce of their fields as his reward for protection (*cf.* HPT, p. 66).

[4] *Cf.* Jāt, Vol. V, p. 98, *ibid*, p. 240, etc.

[5] In Jāt, Vol. IV, p. 362, the class of Brāhmaṇas coming to the villages and towns and refusing to quit them unless given a gift, is compared to the tax-collectors (*niggāhakas*). For the oppression of the tax-collectors, *cf.* Jāt, Vol. V, pp. 98 ff.

[6] Jāt, Vol. IV, p. 109.

[7] See Moreland, p. 7.

[8] The shorter version of the story occurs in the **Dhp.** Commy, Book XXV 2a, and the longer version in the Jāt. Commy, Vol. III, p. 380. See HRS, pp. 53-55, for a full description of this subject, and *cf.* Fick, pp. 116-117.

[9] See *ibid*, Vol. I, pp. 87, 111, 114, 127, 131, etc.

[10] *Cf.* the following extract from Sumaṅgalavilāsinī (on DN, III, 1, 1:—" *rājaladdham bhoggam rājabhoggam . . Brahmadeyyan ti seṭṭhadeyyam, chattam ussāpetvā rājasamkhepe bhuñjitabban ti attho. Atha vā rājabhoggan ti sabbam chejja-bhejjam anusāsayantena nadī-tiṭṭha-pabbatādisu suṅke gahantena setacchattam ussāpetvā raññā hutvā bhuñjitabbam. . . Brahmadeyyan ti seṭṭhadeyyam, yathā dinnam na puna gahetabbam hoti.*"

[11] See *Dial. of the Buddha*, Vol. I, p. 108, etc.

[12] See Jāt, Vol. II, p. 166, Dhp. Commy, Vol. III, p. 125. This class of grants may be regarded as the ancient Indian parallel of the Moslem institution of the *āltamgha* or grant-under-seal which was concerned with the king's grant, in favour of a deserving officer, of the village or *parganā* where he was born. (See Moreland, pp. 127-128.)

[13] Jāt, Vol. II, p. 237, *ibid*, p. 403.

[14] *Ibid*, Vol. V, p. 44.

[15] *Ibid*, Vol. I, p. 354, Vol. III, p. 229, Vol. VI, pp. 261, 394.

[16] *Ibid*, Vol. II, p. 403, and Vol. III, p. 229.

[17] See Moreland, pp. 56, 209.

[18] See HRS, pp. 167-170, for reference with a full account.

[19] See Bernhard Breloer, *Kauṭalīya-Studien*, I, 52 ff.

[20] HRS, pp. 171-172.

[21] HRS, p. 167.

[22] *Cf.* the following extract from Megasthenes' account of the fifth Indian caste, that of warriors:—" The entire force—men-at-arms, war-horses, war-elephants and all—are maintained at the king's expense " (Diodorus). A similar account is given in the versions of Strabo and Arrian. See Monahan, *Early History of Bengal*, pp. 143, 144, 150.

[23] EI, VIII, 6.

[24] *Cf.* HRS, p. 189.

[25] These are conveniently collected together in EI, VII, 7, and *ibid*, VIII, 8.

[26] EI, VIII, 7, No. 13. *Ibid*, VIII, 8, No. 10.

[27] EI, VIII, 8, No. 4.

[28] See HRS, p. 188.

[29] The reference is to EI, VIII, 7, No. 14, where the concluding words were read by Senart as *sakarukara sadeya-meya*, and interpreted by him as equivalent to *sodraṅga soparikara sadhānya-hiraṇyādeya* of the later land-grants.

[30] EI, VIII, 8, No. 4.

[31] *Ibid*, No. 5.

[32] *Cf.* HRS, p. 187.

[33] EI, VIII, 8, No. 3.

[34] EI, VIII, 8.

[35] For the history of the Pallavas see now R. Gopalan, *The Pallavas of Kanchi* (Madras, 1928). The Pallava inscriptions are conveniently arranged in chronological order in *ibid*, App. A. The eighteen immunities are mentioned in EI, I, 1.

[36] For notices of the dynasty see Jouveau-Dubreuil, *Ancient History of the Deccan*, pp. 84-88, etc. For the record of Jayavarman see EI, VI, 31.

[37] Notices of the dynasty in Jouveau-Dubreuil, p. 89, Gopalan, pp. 73-75. For the inscription of Vijayadevavarman see EI, IX, 7.

[38] See EI, XV, pp. 248-249.

[39] IA, V, 12.

[40] EI, VIII, 23.

[41] GI, No. 60.

[42] See HRS, pp. 191-192, for reference and description.

[43] See HRS, pp. 210-211.

[44] See *ibid*, pp. 196-209, for reference.

[45] For the dynasties of Bundelkhand see HRS, pp. 209-215. The terms *udraṅga* and *uparikara* are explained,

ibid, pp. 210-211. Grants of portions of villages are recorded in GI, No. 23, IA, VIII, 8, *ibid*, 28.

[46] EI, II, 30; No. 452, in Kielhorn's *List of the Inscriptions of Northern India* (EI, V, App.).

[47] EI, X, B.

[48] EI, XV, 16, Nos. 1 and 2.

[49] See HRS, p. 215, for full account with reference.

[50] Reference with full account in HRS, p. 216. For the evidence of separate assessment, see EI, IX, 45, mentioning the king's gift of one hundred *nivartanas* of land in a specified village in favour of a certain Brāhmaṇa.

[51] Reference with full account in HRS, pp. 217-222.

[52] See *ibid*, pp. 193-195. All the land-grants of the Vākāṭakas except GI, No. 56, mention *akaradāyī* (' exempt from *kara* ') in the list of immunities granted to the donee. Among the immunities is included an obscure term called *saklopaklptah* which has been translated by some as ' with fixed and unfixed taxes.' For the use of *bhūmi* measure in the Vākāṭaka grants, see EI, III, 35, and GI, No. 55, of which the last has in addition the term ' the royal measure ' (*rājamāna*). For reference to the *Śāsana-sthiti*, see GI, 55.

LECTURE III.

[1] See HRS, pp. 223-224, for reference.

[2] For reference with full account see *ibid*, pp. 225-226, 228-229.

[3] See *ibid*, p. 215.

[4] See EI, IX, 40.

[5] See HRS, p. 224.

[6] See *ibid*, pp. 229-230.

[7] For reference see IA, XIII, 28, EI, II, 4, Nos. I and II; *ibid*, V, 5.

[8] Full account with references in HRS, pp. 231-233.

[9] *Ibid*, p. 230.

[10] EI, XII, 23.

[11] GI, No. 41; EI, IX, 21 and 39.

[12] HRS, p. 242.

[13] For the clan-monarchies of Rajputana and their antecedents, see Baden-Powell, *Land Systems*, Vol. I, p. 250; *ibid*, *Indian Village Community*, pp. 196 ff.

[14] EI, XIV, Pt. II and Pt. IV, No. 1.

[15] EI, XIV, Pt. III.

[16] EI, IX, 1 A and B.

[17] EI, II, 12.

[18] EI, III, 36.

[19] EI, I, 30.

[20] EI, I, 21.

[21] EI, IV, 44 A.

[22] EI, IX, 1A.

[23] EI, XIV, 13, Pt. I.

[24] EI, XIX, 2.

[25] EI, IX A and B; EI, XIV, 13, Pts. I and II.

[26] EI, III, 36, EI, XIV, 13, Pt. II. *Cf.* HRS, pp. 236-238.

[27] EI, I, 21.

[28] EI, I, 20, No. II.

[29] EI, III, 9, *ibid*, 17, EI, VI, 28.

[30] EI, VII, 6, *cf.* HRS, p. 241.

[31] Reference in HRS, pp. 240-241.

[32] HRS, pp. 241-242.

[33] EI, II, 8.

[34] See HRS, pp. 250-251, for reference.

[35] EI, XI, 19.

[36] EI, XII, 20. *Cf.* HRS, p. 247.

[37] See HRS, pp. 242-246, for a full account with references. Reference to the measurement of land occurs in EI, XV, 18. The Manahali grant of Madanapāla (JASB, 1900) refers to a *viṁśatikā bhūmi* meaning probably an area of twenty *unmānas* of land. For reference to *Grāmapati* and

Kṣetrapa see IA, XV, *ibid*, XXI, EI, XIV, 23, JASB, 1900 Reference to the *Dāśagrāmika* occurs in EI, IV, No. 34.

[38] See HRS, pp. 247-248, for a complete account with references.

LECTURE IV.

[1] For the more important references, see HRS, pp. 252-255. Measurement by seed-capacity is mentioned in EI, XIV, 2, the description of a family of *Kāyasthas* in EI, I, 30, No. II, and the grant of *mṛtyukavṛtti* in EI, XVI, 20, Nos. I and II.

[2] See HRS, pp. 254-255, for reference. For grants by a Queen-Mother, a Queen-Regnant, and a Crown Prince see EI, II, 2, *ibid*, I, 31, and *ibid*, II, 12.

[3] EI, VIII, 9.

[4] General references in HRS, pp. 255-259. The new *mārggaṇakas* and *nidhānas* are referred to in IA, VI and XXVII, the group of 42 villages is mentioned in IA, XVIII and that of 126 villages in EI, I, 36.

[5] General references in HRS, pp. 259-261. Villages held by a *mahāsādhanika* and a *pratihāra* are mentioned in IA, XIV and EI, IX, 13 B. Groups of 42, 18, and 12 villages are referred to in EI, III, 7, *ibid*, IV, 20 and IA, XIV.

[6] See HRS, p. 259, for reference.

[7] General references in HRS, pp. 261-264. The grant of a village to the king's *purohita* and nine other Brāhmaṇas is mentioned in EI, IV, 11 S, and the *nāluka* measure occurs in EI, V, 15 A and *ibid*, XIII, 20. The grant of a *pattalā* (with stated exceptions) is recorded in EI, XIV, 15.

[8] EI, IX, 9 B.

[9] EI, XI, 4, No. IV.

[10] *Ibid*, No. V.

[11] *Ibid*, No. XVII.

[12] *Ibid*, Nos. XV and XVI.

[13] EI, XIII, No. 18 B.

[14] *Ibid*, A and C.

[15] EI, XI, 4, No. XVII.

[16] EI, IX, 9 B.

[17] EI, VIII, 10.

[18] *Ibid*, II, 28.

[19] *Ibid*, V, 19.

[20] *Ibid*, III, 44.

[21] See HRS, pp. 264-267. Annual assessment in cash is mentioned in Nos. VII, VIII, X, XI and App. No. 5 in N. G. Majumdar's *Inscriptions of Bengal*, Vol. III. The standard rate of fifteen *purāṇas* for each *droṇa* area of land is mentioned in *ibid*, No. IX.

[22] See Moreland, *The Agrarian System of Moslem India*, p. 205.

[23] This was so especially the case that Kālidāsa in his Śakuntalā (Act V) applies the epithet *ṣaṣṭhāṁśa-vṛtti* ("one whose fee is one-sixth ") as a synonym for kingship.

[24] *Cf*. HRS, p. 244 and *n*.

[25] See Baden-Powell, *Land Systems*, Vol. I, pp. 119, 577; Vol. III, p. 476.

[26] Against the statement in the text it may be urged that Kalhaṇa (*Rājat*., IV, 140 ff.) credits Lalitāditya Jayāpīḍa (*c*. 724-760 A.C.), one of the most famous kings of ancient Kashmir, with a remarkable political testament enjoining *inter alia* that there should not be left with the villagers more food-supply than was required for one year's consumption, nor more oxen than were required for the tillage of fields. This, however, as has already been remarked, is not a genuine historical document, but it reflects the personal opinion of the chronicler based upon his painful experience of feudal misrule in the country in later times (see Stein, *Rājat*. tr., Introd., pp. 37-38).

[27] For references to oppressive taxation *cf*. Jāt, Vol. V, pp. 98 ff., Arthaśāstra II, 1 (containing a passage where the king is warned against excessive levy of fines, unpaid labour

and taxes), and the Girnar rock inscription of Rudradāman (where the periodical taxes, unpaid labour and benevolences are referred to as potential sources of financial oppression).

[28] The foreign notices relating to the condition of the people in Ancient India may be enumerated as follows:—

(1) " The Indians all live frugally, specially when in camp . . . They lead happy lives, being simple in their manners and frugal." (Strabo, quoted in Monahan, *Early History of Bengal*, p. 166).

(2) " The second caste consists of the husbandmen. . . . Being exempted from fighting and other public services, they devote the whole of their time to tillage; nor would an enemy coming upon a husbandman at work on his land, do him any harm, for men of this class, being regarded as public benefactors, are protected from all injury. The land, thus remaining unravaged, and producing heavy crops, supplies the inhabitants with all that is requisite to make life very enjoyable." (Diodorus quoted in Monahan, p. 142.) Very similar are the versions of Strabo and Arrian (*ibid*, pp. 144, 149).

(3) " The people are prosperous and happy, without registration or official restrictions " (Fa Hian, Giles' tr., p. 20).

(4) " Taxation being light and forced service being sparingly used, every one keeps to his hereditary occupation, and looks after his family property." (Hiuen Tsang, Watters' tr., with his own amended rendering of the last extract, *ibid*, Vol. I, pp. 176-177).

LECTURE V.

General: The question of ownership of the soil in Ancient India in relation to the title of the State to be regarded as the ultimate owner has been a subject of controversy among scholars and administrators almost from the beginning of British rule in this country. A valuable summary of the principal views on this point is found in the *Report of the Indian Taxation Enquiry Committee* (1924-1925), Vol. II, App. IV. To the above we may add the important contribution of Prof. E. W. Hopkins, who held (*India, Old and New*, p. 221) that while the land-revenue in Ancient India was a tax, the ownership in land was divided between the king and the individual or the family. In recent times a fresh impetus has been given to the controversy by Vincent Smith whose pronounced view (EHI, p. 90) in favour of the State ownership of the soil has been vigorously attacked by K. P. Jayaswal (*Hindu Polity*, Pt. II, pp. 174-183).

[1] *Cf.* Jan. St. Lewinski, *The Origin of Property*, pp. 6-18.

[2] See Maine, *Village Communities in the East and West; ibid, The Early History of Institutions*, etc.; Leveleye, *Primitive Property* (Eng. tr. by R. R. L. Marriott).

[3] *Cf.* Lewinski, Chap. II.

[4] See *e.g.*, EB, 14th ed., s.v. *Property, primitive.*

[5] See VI, s.v. *urvarā* and *kṣetra*. *Cf.* Hopkins, *op. cit.*, p. 209.

[6] *Cf.* CHI, p. 130.

[7] V, 3, 3, 12; *ibid*, 4, 2, 3. With this may be compared the epithet frequently applied in the Brāhmaṇas to the king, namely that he is the devourer of his people.

[8] *Ibid*, VI, 29, with Keith's tr. in CHI, p. 128.

[9] *Cf.* VI, s.v. *Rājan*, rejecting the view of Hopkins, *op. cit.*, p. 222.

[10] VIII, 1, 73, 4.

[10a] Prof. Keith (CHI, p. 132; *cf.* VI, Vol. II, p. 215) refers in this connection to the modern parallel of some tribes of West Africa among whom the land belongs to the whole tribe according to the customary law, but the Chiefs claim the right of disposing of them as absolute owners. Probably the same practice was in vogue also in Anglo-Saxon England during the transition from the folk-land into the *terra regis*.

[10b] According to VI, s.v. *Grāma*, the king's right to apportion the land with the consent of the clan (as mentioned *e.g.*, in the text of ŚB quoted above) contains the germ of the later State ownership of the soil. It is difficult to support this view, since the king's right of apportionment just mentioned is apparently concerned with the disposal of the public land as distinguished from the land held in private ownership by the freemen.

[11] See Jolly (*Recht und Sitte*, Eng. tr., p. 3 and *n.*).

[12] *Cf.* Jolly, *op. cit.*, p. 196. In the Arthaśāstra, III, 8-10, reference is made to a *gṛhasvāmin*, while the epithets of *svāmin* and *svāmya* are applied not only with regard to immovable property in general, but also to the fields (*kṣetra*), irrigation-works (*setubandha*), the wells (*kūpa*) and so forth. On the mediæval Germanic law with regard to property, *cf.* the following, " The concept of ownership as the fullest right that one can have on a thing, as ' a right directed to the dominion over a thing as an entirety,' was known from the earliest times, not merely to the Germanic law of chattels, but also to the Germanic land-law. ' Eigen,' a substantive participle of the verb ' eigan '=' haben,' to have, is a word of the common Germanic stock that was applied to lands to indicate that they belonged to somebody, that they were objects ' had ' or held by somebody . . . The conception of ownership, however, had not by any means the sharp definition in the mediæval land-law which is familiar to us in the Romanized modern law. In particular, it was not in principle dissociated from and opposed

to restricted real rights." (Rudolf Huebner, *A History of Germanic Private Law*, Eng. tr., pp. 227-228.)

[13] IX, 44.

[14] *Cf.* Vinogradoff, *Outlines of Historical Jurisprudence*, Vol. I, pp. 324-325.

[15] Yāj, II, 29:—

Āgamena viśuddhena bhogo yāti pramāṇatām
aviśuddhāgamo bhogaḥ prāmāṇyaṁ naiva gachchhati

[16] See SBE, IX, pp. 2 ff.

[17] The text (quoted VVM, p. 30) is as follows:—

Saṁbhogaṁ kevalaṁ yastu kīrttayennāgamaṁ kvachit
bhogachchhalāpadeśena vijñeyaḥ sa tu taskaraḥ

[18] The text (quoted VVM, *loc. cit.*), is as follows:—

Sāgamo dīrghakālaśchāvichchhedoparavojjhitaḥ
pratyarthisaṁnidhānaścha pañchāṅgo bhoga iṣyate.

[19] The text (quoted SMC, p. 160) is as follows:—

Sāgamā dīrghakālā chāvichchhinnoparavojjhitā
pratyarthisaṁnidhānā cha bhuktiḥ pañchavidhā smṛtā.

[20] *Cf.* the statement of the Mitākṣarā (on Yāj, II, 27), namely that ownership (*svatva*) cannot arise from mere possession (*bhoga*), for then the possession of others' properties by theft and the like would be valid.

[21] '*Yatheṣṭaviniyogārhatvena śāstrabodhitatvam*' (Dāyabhāga quoted in Vyavahāramayūkha, tr. by V. N. Mandlik, p. 31 *n.*).

[22] '*Atha dāyādinirṇayopayogi svatvam, tachcha krayapratigrahādijanyaḥ śaktiviśeṣaḥ,*' VVM, p. 89.

[23] '*Yatheṣṭaviniyogārhatāvachchhēdako dharmaḥ svatvam,*' Vīramitrodaya, quoted, *ibid, loc. cit.*

[24] X, 39-41:—'*svāmī rikthakrayasaṁvibhāgaparigrahādhigameṣu.*'

[25] X, 115.

[26] The text (quoted VVM, *Notes*, p. 57) is as follows:—

Labdhaṁ dānakrayaprāptaṁ śauryaṁ vaivāhikaṁ tathā bāndhavādaprajājjātaṁ ṣaḍvidhastu dhanāgamaḥ.

[27] Quoted Aparārka on Yāj. II, 27.

[28] Manu, VIII, 240-241; *Arthaśāstra*, III, 10 (' *Tadeva ṣaṇḍabhakṣaṇe kuryāt vāṭabhede dviguṇaḥ. . . hiṁsāpratikāraṁ kuryāt*).

[29] Yāj, II, 155; Bṛh., quoted VVM, p. 243; Arthaśāstra III, 9 (*prasahyādāne vāstuni steyadaṇḍaḥ*); III, 17 (*mahāpaśumanuṣyakṣetragṛhahiraṇyasuvarṇasūkṣmavastrādīnām sthūlakadravyāṇām dviśatāvaraḥ pañchaśataparaḥ*).

[30] In Gaut, XIII, 17, hell is declared to be the punishment for theft of land. Manu, X, 158, and Vi, XXVI, 13, mention theft of land as equivalent to that of gold (one of the four Great Sins). In Manu, XI, 163, and Vi, LII, 6, theft of fields (*kṣetra*) is included with the theft of slaves, houses and so forth, among the sins expiable with the lunar penance.

[31] XIX, 17:—' *hiraṇyaṁ gaurvāso 'śvo bhūmistilaghṛtamannamiti deyāni.*'

[32] III, 10, 15.

[33] VII, 15.

[34] See the list of forbidden articles of traffic in Āp, I, 20, 12; Vas, II, 24 ff.

[35] X, 114.

[36] Arthaśāstra, III, 9 (*jñātisāmantadhanikāḥ krameṇa bhūmiparigrahān kretumabhyābhaveyuḥ tato'nye bāhyāḥ*)

[37] *Ibid*, III, 10 (*karadāḥ karadeṣvādhānaṁ vikrayaṁ vā kuryuḥ, brahmadeyikāḥ brahmadeyikeṣu*).

[38] *Ibid*, III, 9 (*svātmādhāne vikraye cha*).

[39] Quoted, Vivādaratnākara, p. 189.

[40] *Ibid*, VIII, 6-7. It is only in the late Śukranīti (I. 316) that the king is asked to forbid the sale of immovable property without his sanction.

[41] *Cf.* Manu, VIII, 143; Nār, I, 125.

[42] See Āp, II, 28, 1; Vyāsa, quoted VVM, *Notes*, p. 226; Bṛh, quoted *loc. cit.* The *ardhikas* (otherwise called *ardhasīrins*) are referred to in Manu, IX, 53, Yāj, II, 158, Vi, 57, 16.

[43] Arthaśāstra, III, 8 (*pratiṣiddhasya cha vasataḥ nirasyataśchāvakrayaṇam*).

[44] *Ibid*, III, 9 (*prakrayāvakrayādhibhāgabhoganisṛṣṭopabhoktāraśchaiṣām pratikuryuḥ*).

[45] For references see N. Dutt, *Early History of the Spread of Buddhism and the Buddhist Schools*, pp. 100, 143-144, 153, 161.

[46] Jāt., Vol. IV, p. 281.

[47] *Cf.* Milindapañho, p. 47 (PTS. ed.).

[48] EI, VIII, 8, No. 9.

[49] *Ibid*, No. 10.

[50] *Ibid*, I, 16, Nos. I and II.

[51] *Ibid*, I, 20, No. II.

[52] *Ibid*, I, 21.

[53] *Cf.* the following extract from Tod's *Annals and Antiquities of Rājasthan* (ed. W. Crooke; Vol. I, pp. 572-573):—" The ryot (cultivator) is the proprietor of the soil in Mewar. He compares his right therein to the *akṣaya dubā* which no vicissitudes can destroy. He calls the land his *bāpota*, the most emphatic, the most cherished and the most significant phrase his language commands for patrimonial inheritance. . . In accordance with this principle is the ancient adage not of Mewar only but of all Rajputana, *Bhog ra dhanni Raj ho: bhum ra dhanni ma cho*, ' the Government is owner of the rent, but I am the master of the land.' "

[54] *Cf.* Tod's account of the State of Mewar, quoted, Baden-Powell, *Indian Village Community*, p. 200 *n.*

[55] In the feudal states of Mediæval Europe similarly the alod was held in full ownership, while the fiefs along with the copy-hold and servile tenures were held in divided

ownership between the grantor and the grantee. *Cf.* Brissaud, *A History of French Private Law*, p. 259.

[56] See above, p. 19.

[57] *Cf.* above, p. 11.

[58] See above, p. 83.

[59] See Arthaśāstra, II, 1-2.

[60] See Arthaśāstra, II, 1 (*matsyaplavaharitapaṇyānām setuṣu rājā svāmyam gachchhet*).

[61] See HRS, p. 107.

[62] See *ibid*, p. 109.

[63] *Ibid*, pp. 120-121.

[64] *Ibid*, pp. 118-121.

[65] *Ibid*, p. 111.

[66] VIII, 243.

[67] *Cf.* SBE, Vol. 35, XIX, 16-18.

[68] See above, pp. 31, 39, 60, 66.

[69] See above, p. 35, etc.

[70] See above, p. 40.

[71] See above, p. 51.

[71a] Contrast Hopkins, *op. cit.*, pp. 222 ff. Prof. Hopkin's arguments, although supported by a considerable array of references, are vitiated by the fact that he fails to distinguish what may be called the regalian rights of the king from the right of ownership, while he attaches undue importance to the vague and general statements in the Smṛti works about the king's proprietary rights.

[72] Thus the Arthaśāstra distinguishes clearly between the revenue terms *sītā* and *bhāga*. (HRS, pp. 29 ff.) In the inscriptions *udraṅga* and *uparikara* are distinguished from *bhāgabhogakara*, *hiraṇya* and other charges.

[72a] Indicative also of sovereign authority and not of ownership is the rule of Nārada declaring immovable property that is held for three generations to be incapable of being alienated except with the king's sanction.

[73] For an account of the regalian rights in the Continental States of the Middle Ages, see Huebner, *A History*

of Germanic Private Law, pp. 268 ff.; Brissaud, *A History of French Private Law*, pp. 281 ff.

[74] VIII, 39.

[74a] Quoted VVM, p. 145.

[75] *Rājā bhūmeḥ patirdṛṣṭaḥ śāstrajñairudakasya cha tābhyām anyattu yaddravyaṁ tatra svāmyaṁ kuṭumbinām.*

[76] Quoted Rājanītiprakāśa of Mitramiśra, p. 271.

[77] Mr. K. P. Jayaswal (*Hindu Polity*, Pt. II, pp. 173-174, 179, 182-183) gives a different explanation of the above-quoted texts of Manu, Kātyāyana and Bhaṭṭasvāmin, which tends to show that they give no warrant for the king's ownership of the soil. This view has been sought to be refuted in the author's paper '*Ownership of the Soil in Ancient India*' (IHQ, Vol. II, No. 1).

[78] See HRS, pp. 167-170, 191-192, 225-226, for reference and explanation.

[79] See Bühler's note on Manu, VIII, 39 (SBE, Vol. 25, p. 260 *n.*); Hopkins, *India, Old and New*, p. 223; Shāmaśāstry, Eng. tr. of Arthaśāstra, p. 144 *n.*; Vincent Smith, *Oxford History of India*, 2nd ed., p. 90; Breloer, *Kauṭalīya-Studien* I, p. 69.

[80] The text, (Mīmāṁsā-sūtras, VI, 7, 2) is as follows:—'*na bhūmiḥ syāt sarvān pratyaviśiṣṭatvāt.*' This important passage was first brought to the notice of Western scholars by Colebrooke (*Miscellaneous Essays*, Vol. I, pp. 320-321).

[81] The relevant extracts from the text of Śavara's commentary may be given as follows:—'*kṣetrāṇām īśitāro manuṣyā dṛśyante, na kṛtsnasya pṛthivīgolakasya. . . . yāvatā bhogena sārvabhaumo bhūmerīṣṭe tāvatā anyo'pi na tasya kaśchidviśeṣaḥ sārvabhaumatve'sya tvetadadhikam yad asau pṛthivyām sambhūtānām vrīhyādīnām rakṣaṇena nirviṣṭasya kasyachid bhāgasya īṣṭe na bhūmeḥ.*' For the date of Śavara see Winternitz, *GIL*, III, 425 and *cf.* Keith, *Karma Mīmāṁsā*, p. 9.

[82] The reference is to the following extract from Medhātithi's commentary on Manu, VIII, 99:—*sarva-*

sādhāraṇārhā sarvajanopabhogyā kevalam rājāno rakṣā-nirddeśamātrabhāja ityabhiprāyaḥ.

[83] See Nyāyamālāvistara (ASS ed.), p. 358. For the term 'State territory' the original has *mahābhūmi*, of which the meaning is explained by Mādhava's description of the same as *gopatha-rājamārga-jalāśayādyanvitā* ('endowed with the cattle-tracks, royal roads, tanks and so forth') and his contrasting it with *asādhāraṇabhūkhaṇḍa*, 'non-public land.'

[84] The text of Khaṇḍadeva (Mysore ed., p. 317) is as follows:—'*Yeyam mahāpṛthivī tasyāssārvabhaumadhanatvāt tena taddānamiti prāpte sārvabhaumasyāpi na tasyām svatvam, jayasyāpi cha śatrusvāmikadhanagṛhakṣetrādiviṣaya eva svatvotpādakatvāt, mahāpṛthivyāntu rājyamātrādhikārasyaiva jayena sampādanāt rājyam hi svaviṣayaparipālana-kaṇṭakoddhāraṇarūpam tannimittakam cha tasya karṣakebhyaḥ karādānam daṇḍyebhyaścha daṇḍadānam ityetāvan-mātram, na tvetāvatā tasyām svatvam. . . parikrayādilavdham gṛhakṣetrādikantu deyameva.*' Prof. Keith (*Karma* Mīmāṁsā, p. 12) fixes the date of Khandadeva's death in 1665 A.C. According to the latest Indian editor of the Bhāṭṭadīpikā (Mysore ed., Vol. I, Introd, pp. iii-v) the author lived 50 years before the time of Shah Jehan (*reigned* 1627-1658 A.C.).

[85] See *ibid*, p. 91.



CORRECTIONS

Page	Line	For	Read
97	13	*bhumer*	bhūmer
121	21	Hopkin's	Hopkins's
123	20	Khandadeva	Khaṇḍadeva

BY THE SAME AUTHOR

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